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CZECHOSLOVAKIA

Definition of Socialist Pluralism Attempted

24000102 Prague RUDE PRAVO in Czech
3 Mar 89 p 3

[Roundtable discussion moderated by Jiri Kohout and Pavel Novak about socialist pluralism: "Socialist Pluralism...How To Understand It"; date and place not given; first paragraph is RUDE PRAVO introduction]

[Text] Time has written many new terms for the political dictionary, socialist pluralism among them. A struggle to explain it is taking place not only in the area of social science theory, but above all in practice, in the activities of the National Front and its organizations, in the work of the representative bodies and national committees, in the day to day life of the citizens. We are receiving letters in which readers are frankly admitting that few people understand this term. For that reason the editors of RUDE PRAVO arranged a roundtable discussion to help clarify the meaning of this term. To this discussion they invited JUDr Jiri Jirasek from the law faculty of the Charles University in Prague, Eng Oldrich Vanicek, leading secretary of the National Front district committee in Hradec Kralove, JUDr Jiri Vyvadil, secretary of the club of the Czechoslovak Socialist Party, representatives in the CSSR Federal Assembly and the Czech National Council, and JUDr Michal Pacovsky, deputy chairman of the District National Committee in Prague 10.

[RUDE PRAVO] First, let us explain what is socialist pluralism.

[Jirasek] Socialist pluralism we understand as the diversity of the interests and needs of the socialist society. That is in contrast to political pluralism, a free play of antagonistic political forces which carry on a fight among themselves for political power.

There are many things which we need to improve. We are in a state of searching, many things are not yet clear to us. Let us not pretend that we have the correct answer and ready solution in advance for every situation and problem. We do not. As far as the social science theory and its share in creating the legal prerequisites for socialist pluralism are concerned, the first steps were already taken. As an example, we can mention the work on the draft of the new constitution, discussions on a new procedural order for the representative bodies, laws on the status of deputies, and drafting of new election laws. Socialist pluralism is being expressed in all these issues.

We understand socialist pluralism not as a goal but as a means, a means toward the democratization of our entire political system. Its aim should be that all citizens, all who want to participate actively in the life of a socialist society, not only feel that they are the true masters, but that they actually become such. That means that they

should have a realistic possibility to become more involved in public matters. And toward that end, of course, not only old forms will have to be expanded, but new ones developed as well. Certain organizational, political, as well as legal conditions will have to be created.

[RUDE PRAVO] And what about socialist pluralism in the practice of political institutions, state agencies, and particularly of the National Front?

[Vanicek] Its content is laid down in the document which was adopted for the purpose of activating the agencies of the National Front and the organizations which are associated in it in order to deepen socialist democracy. That means to use to the maximum degree all components of the National Front so that citizens will actively express their opinions and suggestions, and we are then able to communicate experiences and use such approaches as will help to solve the needs of socialism, the needs of the social and economic development of villages, towns, districts, and the entire nation.

[RUDE PRAVO] What does it mean specifically, for example, at the level of a regional committee of the National Front?

[Vanicek] To improve, fundamentally and substantially, the coordination of the activities of individual organizations associated in the National Front, deepen their cooperation especially in fulfilling the election program of the National Front in all its aspects. We often encounter the opinion that the structuring part of the election program of the National Front is the only one that matters. But there is, after all, also the part that deals with political education and political organization, meaning, therefore, influence on citizens from the educational point of view, increasing the level and efficiency of the work of deputies at individual levels of the national committees.

[Vyvadil] In the Federal Assembly the legal prerequisites for expressing divergent opinions within the framework of socialism always existed. But the thing is, in my opinion, that thus far in the practice of the highest representative bodies this has not been fully in evidence. I want to point out therefore that there is a substantial difference between the plenums of the Federal Assembly and the Czech National Council and the meetings of their committees. In the committees, deputies more or less informally, often even spontaneously, come forward with various views and suggestions. The representatives of the government often have to explain very difficult issues. During the plenums, to which newspapers and television pay attention, this has not happened thus far. And that is, I think, a mistake.

At this stage of development of our society, the importance of the representative bodies is growing. The voters and the public still are not very much aware that the representative body is actually working actively. They

perhaps see only the raised hands and they do not see, and for that newspapers are also to blame, that in the committees issues are dealt with in great detail, often with much controversy.

When the deputies then vote in the sessions, it must be realized that this act was preceded by a long exchange of opinions, suggestions, and often by fighting for the best solution.

[RUDE PRAVO] If we are talking about socialist pluralism, how is it being implemented?

[Pacovsky] To make use of the divergence of opinion, the necessary legal conditions in the national committees are already in place. Our system can be improved, to be sure, but even today it already provides enough space for democracy, for putting across one's own opinion and defending it. It is a little more complicated in practice. For example, in metropolitan areas many people seem as if uninterested in putting their views across. Often that is because if they wanted to use that right, they would also have to share more actively in evaluating local problems, and that would cost them time. We are finding today that people prefer free time even to higher income.

On the other hand, of course, some say that we do not have democracy. But the problem is not that we do not have it, but that citizens do not know how to use their rights, or that sometimes they actually do not even want to. For that reason we are asking ourselves if we are working well with our citizens, if we actually offer them enough opportunities to involve themselves actively in the democratic process.

[Vanicek] In our region we have good experiences, particularly as regards the cooperation of the National Front agencies and individual organizations with the national committees. I shall just point out the care for the environment, the common concern for the Krkonose and Orlicke Mountains during the past several years. This year, too, we included in the work plan of our committee environmental problems and transportation to and from work. We will discuss questions connected with supplying provisions for the public. We are not evaluating just the situation in individual localities, but also the contributions of some social organizations, such as the association of stock-breeders, association of gardeners, producing and consumer cooperatives, association of beekeepers, fishermen, and association of cooperative farmers to the supply of foodstuffs. Tasks concerning the development of public services are also important for the National Front. In this instance it is possible to use to the maximum degree the initiative and activity of Svazarm, physical education, the association of cooperative farmers, and others. A broad base has been created in the National Front also for implementing other national tasks. Here decisions are made about satisfying the public as well as about the direction of the interests of members of the organizations associated in the National Front. In the past, to the detriment of the

cause, this base often has not been fully utilized. As was said before, we are at the beginning, many things will not become obvious immediately. The activities of some organizations are still marked by passivity and formalism, and the point now is to activate them, so that they too will comprehend and grow into the scope of their work which is very large.

[RUDE PRAVO] Where did this formalism and passivity come from?

[Pacovsky] I will only give you an example. The law quite correctly states that only a plenary session is entitled to make decisions about the budget and the plan, therefore about the basic instruments of development of a given territory. At the same time, however, the centralist model of management has been specifying each item of the plan for the National Committee, often in great detail. For example, the exact amount which we can spend for the restructuring of communications. I think that the deputies themselves should judge what and where in the district needs to be improved, where financial resources should be concentrated. And also, what can wait. After all, the deputies represent the views of their voters. And not merely as mediators. We submit in advance the important material, intended for proceedings at the plenary session, to our citizens for discussion while it is still in the preparatory stage. At these discussions citizens do not always offer realistic suggestions, but often they come up with an idea which our staff in their "professional blindness" does not see. Sometimes very valuable ideas.

We also find it useful to invite to the plenary sessions those organizations whose activities the public criticizes, even if the National Committee does not control them. One construction organization kept postponing the due date when it was supposed to put on line a communication facility of vital importance to our district. Comrades kept promising, promising, then they even undertook a socialist obligation which they did not fulfill either. Then, when they had to explain at a plenary session to the deputies and the public why they did not fulfill their promises, they speeded up their work and now the completion of the repairs is in sight.

But we also have had some bad experiences with underestimating the importance of a dialogue with citizens. If we adopt some measures and we do not explain them to the citizens in time, it sometimes leads to bad consequences even though the proposal is plainly correct. For example—these days the population tide is moving from the basic schools to the high schools. There is a shortage of schoolrooms as well as schools. It would not be prudent, obviously, to build new high schools if the basic schools are going to be empty. For that reason we agreed to turn over one unused basic school temporarily to the Prague high school district. But we did not explain it to the people, we presented them with a fait accompli. A

great commotion was the result. People did not agree with it, there were many complaints, and the action, which we actually undertook for the benefit of our citizens, turned against us.

Today we already have the experience that as long as we come to the people in time and give them the chance to share in the decisions, there are results. As a specific example: in the Kosik housing development the construction of a garage complex for almost all of the residents of Kosik was planned. Some of the people supported it, some were against it. We resolved the question in public meetings. Although the construction of the garages seemed to be an entirely sensible request, the residents of Kosik decided that the garages will not be built. And the district national committee respected their view. And by the way—attendance at the meetings rose severalfold.

[RUDE PRAVO] You talked about prerequisites for the development of democracy and socialist pluralism. Why are they not being used?

[Vyvadil] There is no doubt that this is connected with the overall change in the climate which occurred after the Seventh and Ninth Plenums of the CPCZ Central Committee. That is an incentive for actually making use of these opportunities. I will mention an example from the activity of the club of the Czechoslovak Socialist Party deputies. Only in the past year did we begin to take our own positions on all fundamental laws. And not only that. For example, we were one of the first organizations which prepared a position paper on the law on labor and forwarded it to the Central Committee of the National Front. Our suggestions were accepted.

Or another example. Recently the Presidium of the Czechoslovak Socialist Party worked out an initiative for increasing the protection of citizens against wrongful decisions of the administrative agencies, which we turned over to the commission for the drafting of the constitution. Basically, at issue is the possibility of judicial protection of a citizen against decisions of the administrative agencies, if the citizen is not satisfied with them. The change in the overall atmosphere which is under way undoubtedly is creating favorable conditions for all honest citizens to unite on the ground and platform of socialism in an honest effort to perfect it. The possibilities therefore exist.

But at the same time it must be said that often we wait, we expect that somebody else will make the decision, will take action on our behalf. We shall have to rid ourselves of some of our habits including the one that when someone criticizes us or comes up with a disapproving objection, we immediately consider it to be an attack from an antisocialist position. It is necessary to distinguish in whose interest the objections are raised. We must learn to carry on a dialogue and create a certain

political culture. And we have sufficient possibilities for it, sufficient space. This is not a process which is elemental or outside socialism or even antisocialist.

[Jirasek] That is correct. I think that the most natural environment for this social dialogue is the National Front and its organization. After all, 95 percent of the adult population belongs to organizations and political parties of the National Front. We have today 28 social and interest organizations in the National Front, and besides that almost 300 organizations and clubs which are active outside of it on the basis and within the limits of the law.

The fact is, however, that in the course of time the National Front took on the character of an institution in which centralist management has been overly strengthened and applied, which weakened the initiative and independence of the social interest organizations. That should not be. Each organization should above all fulfill its specific tasks according to the needs and interests of its members. And the National Front should pull everything together politically. In it, views and suggestions should be sifted out, according to what is the best for the development of socialism, for man. Here, above all, is the ground on which to carry on a responsible dialogue.

[Pacovsky] We are learning anew how to carry on a dialogue on many things. As long as citizens express their opinion and as long as it is really substantial, they will have to see that their ideas will in fact be realized. Trust is necessary in order that we also succeed in explaining to citizens that some things now, at this stage, are really not realistic, that society cannot afford them. Otherwise we will encounter the attitude—you did not do what I wanted, therefore we do not have democracy. But democracy in practice means that the views of the majority prevail, and not that we accommodate everyone in every case.

[RUDE PRAVO] We said that we are learning how to carry on a dialogue. Is that the only aspect of democracy which we must learn?

[Pacovsky] Naturally, at issue is not just a dialogue, a form of exchanging views. It is also important to stress the significance of citizen commitment, of public function—for example, giving a deputy the status which is due him, not only legal but above all social.

[Vanicek] It appears that the role of the National Front in society is not always fully understood. There is much to be corrected in the relations between the National Front and the economic agencies. In order to improve the work within the National Front, we consider it important to strengthen the authority of the individual organizations and thus of the National Front committees as well. Even in that lies the purpose for activating it to consistently increase its share in the setting, implementation, and control of policy.

Shared tasks, which stem from the decisions of the pertinent central agencies, are still being received by the basic units of the social organizations late and sometimes in incomplete form. There is inadequate contact between the central committees of the social organizations and the regional committees of the National Front which is necessary to improve the situation, to deepen mutual cooperation and coordination, to take a single approach to the tasks which belong to the National Front.

And it would only help matters if we would agree on common approaches in specific actions of the individual components of the National Front.

Much could be achieved in close cooperation with the Revolutionary Trade Union Movement and the Union of Socialist Youth, be it the construction of necessary facilities in cities and villages, the protection of the environment, or a greater participation in fulfilling tasks for social and economic development.

[Vyvadil] In the future there will probably be instances where the highest representative bodies will have different views on issues than the governments. I think that we shall have to basically learn to understand a situation when, for example, deputies, or even the Federal Assembly as a whole, send a law back to the government for modification. In no way does that harm socialism, on the contrary, that leads to its strengthening.

[Jirasek] The representative bodies are actually the core of the entire system of the state agencies. It is through them, primarily, that state power is exercised, they are the agencies of the government of the people. Nobody denies that even under socialism there will be controversies. The point is, how will they be resolved, how will we search for ways to harmonize the national, local, individual, and other interests. Another problem which was discussed is the problem of criticism and demands. We all know from practice that it is not very difficult to criticize and demand. But to leave it at that would not be enough.

It is important that criticism be combined with an effective participation in finding solutions for the problems. That also relates to the question of shared responsibility. To break something, to destroy something, to criticize, that is easy. But to build something, to be actively involved in something, to offer something new, to fight for the new, that is a different matter, much more difficult, complicated, and carrying more risk. We have to overcome a certain alienation, so that we all have a feeling of shared responsibility for this society, for our country.

The current objectives and efforts of the Communist Party are not meant to change the socialist system, to return to the pre-February days, or even the prewar conditions. We have to use the inevitably arising diverse interests and needs fully for a continued development of

the socialist society. The natural contradictions of views and needs of the working people are not a brake or an obstacle on the way to developing socialism, but, on the contrary, they are a source of deeper understanding and of finding the most suitable solutions which will enable us to accelerate the social and economic development of our society.

[Vyvadil] At present we are passing a great many laws. All our fellow citizens are being appraised of it. We are passing laws which may be changed considerably after the adoption of the constitution, but that does not mean that today deputies are adopting something that is unnecessary. That, which in practice becomes outdated, will have to be changed.

[Jirasek] Democracy is not anarchy, but order and responsibility.

As far as legislative activity is concerned, we are in a stage when the entire social system is undergoing considerable change. The restructuring of the economic mechanism naturally will be reflected also in changes in the political system and is finding expression also in the restructuring of the laws. After the new constitution is adopted, it will be necessary to bring the entire legal code into harmony with it.

Jakes Regime's Options Considered
23000133 Hamburg DIE ZEIT in German
3 Mar 89 p 11

[Article by Peter Glotz: "Smog Over Prague"]

[Text] "Have you heard the newest joke from Prague yet?" asks a member of the Czech Communist Party presidium. "It goes as follows. Somebody asks: 'Why is Prague covered with such heavy smog?' The answer: 'Because socialism in Poland and Hungary is evaporating.'"

Most Westerners will smile at the joke's cynicism—the only funny part because there is nothing funny at all about the idealism and seriousness with which young Czech communists in the 1960's tried to overcome Stalinism. Their hopes were raised by Khrushchev only to be destroyed by the brutality with which Brezhnev dismantled reforms achieved under Dubcek's (not always totally professional) leadership. Such memories explain the bitterness with which some East European communist officials are reacting to Gorbachev's call for reforms. They are also tartly reminding their Western dialogue partners of their former standard advice not to follow the Soviet Union blindly. Has all this changed?

In each Eastern European country Mikhail Gorbachev's great reforms create a different set of problems. Czechoslovakia is still suffering from the trauma of 1968. Its leaders know that "a little bit of democracy" is as unrealistic as talk about "being a little bit pregnant." They know: the more one concedes to the opposition,

the more it will demand. Consequently the leadership drags its feet. Czechoslovakia's powerful communist party apparatus comprises several hundred thousand people. In 1969 it was purged with clinical thoroughness and now it faces the question of "to be or not to be." A communist country in 1989 no longer functions in the same way the Soviet Union did under Stalin during the 1930's. "Today the Polish Pope has more leverage over his bishops than the communist party presidium has over its regional secretaries," comments an experienced, old party intellectual from the provinces—and he may well be right.

Czechoslovakia's political leadership is no longer sure of itself and has become entangled in endless disputes over strategy. For many years the notorious "hardliner" Vasil Bilak who was sent into retirement in 1988 could be relied on to give concrete yes/no answers to concrete questions. Today when a member of the presidium of the Communist Party is approached to generate exit visas, to lobby with the courts for lesser sentences, or to guide discussions into certain directions, he or she will hide behind remarks that these are matters for the appropriate government officials. In May 1990, the CPCZ [Czechoslovak Communist Party] will hold its 18th party congress. The grapevine is already buzzing. Will General Secretary Jakes send a few hardliners into retirement or will he himself have to make place for somebody younger? And how about Stepan—born in 1945—who is in charge of Prague's party organization? Is he really the tough hardliner responsible for the brutal use of police force or is he a closet reformer? The situation is quite complicated and far from transparent. The leadership's maneuverability has been seriously curtailed.

The lethargy that has hovered over the country for the past 20 years has left its mark on the opposition as well. Its entire leadership grew out of the morally very impressive opposition group "Charta 77", but all of its outstanding minds (for example, Jiri Hajek, Milos Hajek, and Rudolf Battek) are now mostly old men, and after 20 years of repression it would be too much to expect a sudden takeover by politically experienced younger people. There is no doubt that the opposition has grown. It came somewhat as a surprise that almost 3000 Czechoslovakian writers, theater people, scientists, and actors decided to sign a resolution condemning police excesses. In addition, young activists are stirring again, and suddenly groups are emerging that call themselves "Masaryk Society" or "Children of Bohemia." But no charismatic leader like Lech Walesa is anywhere near the horizon, and the Catholic Church which is the hegemonic power in Poland is a respected but rather middling force in Czechoslovakia. Thus it would be premature to imagine that a major controversy—such as took place between the Rakowski regime and Solidarity—could happen in Czechoslovakia within the near future.

Czechoslovakia's leadership is keeping an eye on two new groups. The first group constitutes a committee around the former Secretary of the Central Committee

and former President of the Federal Assembly Cestmir Cisar. The group is fighting for socialist restructuring and is known to the party under the half-respected, half-derisive name "Club Obroda" (Obroda means rebirth). Obroda follows a strict reform line and demands the moral and political rehabilitation of Dubcek and his followers. It is difficult to shrug off this organization as antisocialist and it could become the rallying point for an effective opposition.

Another, even more carefully watched group is the catholic church. Behind Cardinal Tomasek, now an old man, stands Bishop Zverina. He was ordained in secrecy and the CPCZ views him as the strategic head of the church. It is probably not too far fetched to expect that a whole list of old controversies between church and state will be put to rest within the near future. Czechoslovakia's communists are in a precarious situation. They would like to ratify as quickly and quietly as possible mutually acceptable agreements with the Vatican. The question is: Has the group around Jakes enough clout to do it?

The policy of "defensive repression" currently favored by Czechoslovakia's leadership is not a good prescription for the future. The party's leading technocrats are keenly aware that the unjust and blatantly harsh condemnation of dissident writer Vaclav Havel could easily turn into a firebell in the night. Yet they remain unmoved because the bitter experiences of the past have taught them caution. Their slogan remains: Never Again in the Fore Front of Reform! They are mesmerized by 1968 in the same way certain stalwart leftists in Western Europe—who should be worrying about the problems of the 1990's—are still obsessed with preventing the mistakes of 1933 from occurring again.

The nightmare of an average communist official looks something like this: Hungary overthrows its ruling worker's party. The struggle between the government and Solidarity brings economic ruin to Poland. Multinational Yugoslavia explodes. In Estonia and Latvia old, anti-Gorbachev cadres start to adopt an archaic brand of nationalism that still casts its secret spell over the population. So-called socialist-democratic organizations are popping up everywhere and are efficiently supported by the AFL-CIO American Federation of Labor-Congress of Industrial Organizations and Heritage Foundation money. And at the end of a time filled with hope, vigor, and promise, some Ligatchev wins out over Gorbachev. At this point the dreamer awakes drenched with sweat and determines to stay forever on the path of sombre authoritarianism.

The present situation demands politically prudent behavior of the Western alliance. Is the alliance aware that a deliberate destabilization of Eastern Europe will only lead to the fall of Gorbachev? Will the alliance stick to a "complex policy"—a policy that continues the dialogue with ruling communist parties and at the same time supports opposition movements wherever possible?

Will it pressure present regimes into supporting human rights in a systematic fashion? Will it understand that not every opposition movement that calls itself anticommunist is worth supporting?

The West, including the Federal Republic, is at a crossroad. But it must choose a consistent policy towards the East, it must avoid erratic political behavior. If its objective is to encourage the gradual emancipation of East European countries from the Soviet Union, then it must very carefully avoid toying with the firebrand of East European nationalism. Yalta created a divided Europe that called for paradoxical politics. The question is how well and for how long the West can tolerate such an approach.

Europe is once more in turmoil. Half a year ago Willy Brandt said that the flat map of Europe is taking on a three dimensional shape—which isn't a bad thing, provided there won't be any craters to scar its surface.

Background of Fojtikova's August 1988 Article Explained

24000109 Rome LISTY in Czech Feb 89 pp 22-26

[Article by K. (Prague) in the bimonthly "publication of the Czechoslovak socialist opposition": "Mrs Fojtik et al"]

[Text] Strange things were happening in our country right after the conclusion of the 7th and 9th plena of the CPCZ Central Committee which in two installments reviewed the party's strategic orientation for the period of restructuring and determined its policies for the specific conditions of the CSSR. There were no stormy meetings at which errors of the past could be openly discussed and which cannot be avoided if the restructuring is to be a genuine effort and not just a sham. There was no atmosphere of trust in the new policies, which Gorbachev considers a prerequisite for any progress in the restructuring. Just the opposite! According to Bilak and Fojtik, the Czechoslovak "specifics" are based on the premise that our country's past policies were correct after all, and therefore, "The Lessons from the Period of Crisis" have not lost their validity and remain the best guarantee of successful restructuring. To that Fojtik added that we accept the policy of restructuring because in fact, we can afford more than that, but the policy of glasnost is unsuitable for our situation, allegedly because it would open some space for the right-wing forces and for the counterrevolution.

And so already in the first week of the new year the editors who cover cultural and political affairs in all our media of communications learned at their regular briefing in the journalists' domain, the Roztez castle, that even under the new leadership in our country the main objective is more order and discipline in every workplace, and also greater vigilance with respect to our class enemies, foreign and domestic, who will do their damndest to exploit the developments in the USSR to their advantage. Furthermore, the editors were told that

for the time being it would be necessary to wait until the wave of relaxation recedes and the wave of intensified tensions in international relations returns, as it always does. Our mass communications media became even more controlled than before, and RUDE PRAVO, no less, was criticized for its excessive publicity of all kinds of critical materials from the Soviet press, with a flattering admonition that, after all, RUDE PRAVO is no samizdat! Even the slightest attempts to sound a more critical note about journalism and the degraded literary outputs in our mass communications media gets crushed in the bud; critical letters from the viewers and readers are obviously manipulated. Rehearsals of Josef Topol's play "The End of the Carnival" were permitted, but just before its premiere, the Vinohrady Theatre was forbidden to present it. Brutal measures were applied against a peaceful demonstration of believers in Bratislava. The representatives of peace organizations from the West who wished to meet with our nongovernmental peace groups were expelled from the CSSR. We could continue in the same vein from here to eternity. These developments caused uneasiness even in the USSR.

Let it be noted that as the USSR renounced its claim to infallibility and recognized the possibility of various models of socialism, it also gave up in fact its method of direct, authoritarian intervention in the daily internal political affairs of its allies. It proceeds from the correct assumption that such far-reaching changes as those currently underway in the USSR cannot leave other socialist countries unaffected because they are now attached to the USSR with thousands of threads, as Mikhail Gorbachev remarked, certainly not inadvertently, in his talks with Honecker. Instead of the previous overt kibitzing, the current policy is a method of discussion, information and explanation, in other words, in general a legitimate approach. For that reason, more and more Soviet delegations of every possible stripe are now visiting the CSSR, lecturing here, and demanding that various meetings be organized to acquaint our public with the new points of view, with democratization, glasnost and other Soviet reforms. This "infiltration" has intensified especially after Mikhail Gorbachev's visit in Prague in 1987, on which occasion an agreement about extended contacts and exchanges of experience on all levels, horizontal and vertical, was signed. Thus far the Soviet party to the agreement has kept its part of the bargain much more conscientiously. Various seemingly proper meetings were taking place at first, but their organizers soon began to gather courage and resist; in recent months they advanced to an open and occasionally uncouth criticism. There was no lack of incidents involving complaints and protests addressed to the USSR embassy in Prague. This year a kind of a silent war erupted between both parties; for the time being, it is being waged in the area of cultural exchanges. For illustration some examples: At the celebrations of the 70th anniversary of the October Revolution, the Komsomol theatre of Moscow made guest appearances in the

CSSR. Instead of the scheduled timely play "Dictatorship of Conscience" it was forced, upon the wish of the host country, to present Griboedov's classic comedy "Woe from Wit" and an entirely innocuous vaudeville. At a reception after a very successful presentation of both plays in the Vinohrady Theatre, the manager and director of the ensemble, Zakharov, had to face official bootlickers who were trying to outdo each other in crass flattery about the uniqueness of his theatre ensemble and its outstanding artistic and professional qualities. However, Zakharov showed ingratitude to them; he irritably retorted that all he knows he had learned in the Czech drama school in the 1960's from his masters Krejca, Radok and others, whose student he proudly considers himself to be to this very day. He then asked the challenging question: "And where have these great artists been expelled to?" A complaint to the USSR embassy followed and director Zakharov received paternalistic admonition that it was uncalled for to "annoy our Czech comrades." Zakharov had been branded "persona non grata" in Prague once before.

Here is another, even more drastic example: At approximately the same time a new film, "In the Sign of Evil," was to be screened in the presence of its authors and invited guests in the Praha Cinema on Wenceslas Square, and a discussion was to follow. However, instead of the invited guests, a big crowd appeared, which, as it turned out, consisted of Russian-speaking officials from the party apparatus, from the Party College, and from the Academy of Sciences. In keeping with the pattern familiar from the document "Lessons from the Period of Crisis," after the screening of the film this delegation was supposed to teach the authors of the film a lesson in party education. It included charges that the filmmakers were obviously equating communism with fascism, and the declaration that films of this kind were undesirable in the CSSR. That upset I. Grigoriev, one of the present screenwriters of the film, who happens to be one of the secretaries of the USSR's Cinematographic Association. In his indignation he hit back at his critics and said that he had heard such views from dogmatics and bureaucrats in his own country, and that their opinions were in fact counterrevolutionary, which he emphatically repeated several times. Later in Bratislava at a reception in his honor, the same I. Grigoriev offered a toast: "Together you and we shall beat your bureaucracy!" Consequently, the honored guest was forced to return under police escort to Prague and there his embassy put him on the first Moscow-bound airplane. (The victim himself regales all his acquaintances in Moscow with the story of his experience.)

We could go on and on with accounts of similar more or less significant incidents, for example, of the distasteful tug-of-war about the presentation of the already renowned film "Repentance" and the embarrassing scenes to which its director, Abuladze, was subjected during his visit in Prague. Because of the energetic activity by the Cinematographic Association of the USSR under the leadership of

Elem Klimov and others who regard themselves as the trailblazers of Gorbachev's reformist course, the most frequent confrontations involved precisely the representatives of that organization.

Nevertheless, any attempt to downplay such trends as marginal would be wrong. Suffice it to recall Gorbachev's censored cable of congratulations to the newly appointed General secretary Milos Jakes, in which upon the direct instruction by Jan Fojtik and the Central Committee's press department the term "renewal" was translated into Czech as "strengthening"; this was linguistically justified after the fact by Professor Eva Fojtikova in RUDE PRAVO. However, let us stop for a moment at three events organized this year by the Czechoslovak State Film and the Czechoslovak Film Workers Association. The first of them took place in Brno in April 1988 with the participation of film critics from the socialist countries and of friendly filmmakers from the nonsocialist states. It presented a review of last year's films produced by Czechoslovak authors, some of whom were honored at its conclusion. During an exchange of views Jiri Prus, the director of the State Film and member of the CPCZ Central Committee, nearly overstepped all acceptable limits when he accused the Soviet delegation of biased, even hostile attitudes toward our officially favored authors and toward the official cultural policy in general. In the end he got so agitated that he was unable to control his subconscious and to everyone's consternation he accused the Soviet delegation that its attitudes were aiding and abetting the sinister forces that allegedly spread rumors about the rehabilitation of Dubcek and his allies, and that, so long as they live, that would never, ever, come to pass! The members of the Soviet delegation would not stand for that; they objected against the attempt to silence them so rudely. (After the debate, Jiri Prus allegedly apologized to the Soviet delegation for his indiscretion, but the initiated know full well that his outburst was premeditated and planned in advance with the present apparatchiks from the Central Committee.)

Several months later, at the Summer Film School for Young Club Members in Trutnov, the leader of the Soviet delegation greeted the participants, stating that he was glad that in this anniversary year of 1988 he could accept a genuine invitation to this meeting and to travel here by conventional means of transportation rather than in a tank. The ensuing applause threatened to bring the hall down. Before the discussion ended someone maliciously spread the remark that "the Russian will not teach us democracy."

However, the most typical confrontation of diverse attitudes and opinions took place in late June and early July at the Open Forum of the festival in Karlovy Vary during a discussion on the topic "The Significance of the Cinema for the Formation of Moral Consciousness." In the past this particular forum used to be quite banal; now, thanks to the Soviet participants, critical thinking prevailed. It was introduced in a report entitled "Myths

and Consciousness" submitted in writing by Andrei Plakhov, a film critic and theoretician, and currently also the secretary of the USSR Cinematographic Association. Andrei Plakhov is one of the most maligned persons for his determination to rehabilitate the Czechoslovak new wave in the filmmaking of the 1960's and for his presentation of films thus far forbidden and stored in official vaults.

In its issue No 18/1988 SCENA published a largely factual report about the Open Forum discussion, except for its most dramatic central part which was only marginally mentioned, namely, Andrei Plakhov's response to the question posed by a correspondent of West German ARD television: "What about the myth concerning 1968? When does the government of the USSR intend to demythologize it at long last?" Plakhov had to demand for quite a while an opportunity to reply, but in the end he succeeded. He said that he could not speak for the USSR government, but as for himself and for the organization he represented, he could say with all responsibility that the USSR government in power at that particular time was at fault and that he was convinced that sooner or later the government of the USSR would rectify its current position. Then he corrected himself (and repeated over and over) that he was absolutely certain about it, that he knew it for sure! He said that, after all, it took the U.S. government a long time to realize its mistake in Vietnam. Alla Gerberova, a Soviet journalist, carried this topic even further by mentioning the pernicious consequences the intervention in the CSSR had inflicted on the internal political development in the USSR, which not only led to stagnation but caused also direct political reaction in that country. She continued that 1968 meant to this day a very vital moment in the internal political development of the USSR. For that reason, it is absolutely imperative to recognize this blank spot in the USSR history of the 1960's. More Soviet participants joined in the debate and offered just as interesting contributions, and finally, our Czechoslovak debaters also came forward with more or less radical views. In the end, Chingiz Aitmatov was invited to comment on the preceding statements made by his Soviet colleagues. He stopped to think it over for a moment and then said that although he was not personally acquainted with his younger countrymen, in his heart and mind he fully agreed with them. The organizers were turning alternately white and grey, but all they could do was to rush in and out of the hall, run to the telephone and report to someone.

One must bear in mind that according to the predictions of many Sovietologues here and abroad, the 19th conference of the CPSU which had ended just before the conclusion of the festival in Karlovy Vary was supposed either to bring about Mikhail Gorbachev's downfall, or to clip his wings. As we learned later from an announcement issued by the presidium of the CPCZ Central Committee, our leaders had studied the decisions and considered the ramifications of that conference; the review must have taken them several weeks, judging

from the fact that it was not until 19 July that in another announcement our presidium expressed its very perfunctory and cool endorsement of the decisions of the Soviet communist conference. Meanwhile, the regional and district secretaries for ideological policies were already appraised about the real feelings of "our folks" which obviously came straight from their hearts, namely, that it was the highest time to protest against certain trends in the USSR development and that we seriously objected to the speeches in the discussion of Soviet historians who cast doubts on nearly all successful accomplishments of the past and who in particular slandered the "glorious memory of Comrade Stalin."

Two articles published shortly thereafter signalled some kind of a public protest against the USSR's policies. Although RUDE PRAVO had already earlier published an assessment of the festival in Karlovy Vary from the pen of its editor Vera Miskova, several weeks later Jan Kliment returned in a polemic to the debate at the Open Forum and publicly chastised the Soviet participants for having led the whole debate astray and especially for the intention of some of them to offer us advice about "what to do and how to do it." Then none other than Mrs Eva Fojtikova, a professor and chairperson of Russian studies at the philosophy department of Charles University in Prague, and what's even more, the spouse of the CPCZ Central Committee's secretary for ideological issues who is a brand new member of the party's presidium, brandished her pen in another article published in the weekly of the Czech Writers Association, KMEN No 33 of 18 August. The clue is evident already from the headline of her article—"Moscow as We Did Not Know It." In it she describes first of all her astonishment at how much the atmosphere has changed in a single year since her previous visit, and how she no longer could see eye to eye with some individuals who once used to be her friends. She does not conceal her disapproval of the policy of glasnost in the USSR and most of all, of the lack of objectivity and the criticism which condemns Stalin who, in her opinion, remains a great and farsighted political leader, at least as far as we are concerned, and to whom we owe gratitude for many benefits. This article would hardly sound sensational, were it expressed by any "normal" dogmatist; however, Mrs Fojtikova is known as the wife of a high-ranking political figure whose political views she fully shares; thus, she is just her master's voice. Even more peculiar is the method of interpretation of the current development in the USSR, which so closely echoes the dogmatic explanations of the developments in our country in 1968, as they were expressed in the document "Lessons from the Period of Crisis," including demagogic allusions, insinuations and sarcasm; for example, she directly links the promulgation of the land-lease law with the information that this year's grain imports were the highest in several decades; or that it is quite fashionable in the USSR to boast of some uncle or even a distant relative who in contravention of the law had been sent "to the cooler," and that one cannot help the "thoroughly cynical impression about the idiosyncratic regional method of 'toughening

up' the population." The article contains a plethora of similar absurdities, but it should be noted that Karel Sys, the proregime editor in chief of the paper, took it upon himself to delete an additional sixteen brilliant lines, clearly because even he could not stomach their formulation. However, one cannot ignore the fact that the publication of this article was like a thunderbolt out of the blue. Rumor has it that the editorial board of that journal received about 1,400 letters from its readers and also from its contributors, most of whom disapproved and called the author of the article a neo-Stalinist. The editors turned about 100 letters over to the author of the piece, who promised to respond. According to the grapevine, orders from above prevented the publication of any comments. Many individuals called the USSR embassy in Prague about the article and telephoned to the USSR, allegedly even to the editor in chief of the weekly OGONEK, Korotich, about whom Mrs Fojtikova had made some snide remarks. Apparently Korotich had already been informed about the contents of her article and promised to reply in his magazine. Furthermore, some zealous supporters of that pamphlet [KMEN] who also were making their views known were particularly the motley fossilized relics from the period of normalization in the first years after the Soviet intervention, who on their own initiative disseminated this article and mailed it all over the republic because, as they claimed, KMEN still appears in far too few copies.

Now the best for last: The USSR government fully understood the meaning of that message. Foreign Minister E. Shevardnadze summoned the Czechoslovak ambassador in Moscow, Jindrich Rehorek, to a meeting and kept him standing while he listed his objections against such a hostile and vituperative act. He threatened that should something of that sort ever happen again, the Soviet press would publish a public protest. That would be extremely unpleasant. A well justified alarm resounded in Prague, one consultation followed another, feelers went out to gauge reactions, but Jan Fojtik allegedly just shrugged it off with a remark that this whole matter concerned his wife, which should surprise Mrs Fojtikova least of all. Mrs Fojtikova, whom people began to call Nina Fojtikova, acted hurt and misunderstood; for a moment she flirted with the idea of retiring, but she has abandoned it since. She complained about the heavy burden the wife of a high party official has to bear because she is not permitted to express her own private views. In the past after such an official reaction, the author of a similar article, or at least, the editors would be forced to repent or retract the article, or at least, the editors would be forced to repent or retract the article in the same publication at the same length, but nothing of that sort happened in this particular case. Instead, Gustav Husak reciprocated by summoning the USSR ambassador in Prague, V. Lomakin, and protested against some statements made by the USSR ambassador Liunov who had said at the celebration of the newspaper L'UNITA in Florence that Dubcek was a precursor of the policy of restructuring. Husak characterized that as an intervention in the internal affairs of the CSSR!

KMEN No 38 published another report about a trip to the USSR by young authors whose leader was M. Cernik, the brand new chairman of the Czech Writers Association. The article "A Small Report from a Big Country" describes their impressions in a similar, albeit much less challenging manner. These days the USSR is said to be a country teeming with colorful folklore and with money-changers loitering around foreigners with the intention of making shady deals. Our travelers learned from the Muscovites that prices were expected to skyrocket; that 15 percent of the Muscovites still lived in communal apartments, which means that three families have to share the same kitchen and the same toilet; that the rents were low, but a new Samandra automobile costs 9,500 rubles, and "washed-out" jeans go for 200 rubles, and so on... Our 30 authors acquired a peculiar picture of the restructuring, democratization and glasnost in the USSR. Did our promising young writers intend to convey to us that we are so much better off without glasnost?

The editors of KMEN are fully aware of the limits to which they can go, because they get almost firsthand information. They were well informed about the results of the party's consultations, about the consequences of Soviet policies of restructuring, and about "our specific" approach to them, about the scheduled CPCZ Central Committee's plenum on ideology, and about the planned purge in the ranks of the government. Today we, too, know that Mrs Nina Fojtikova was, after all, on the "right" track and that the silent war against the Soviet concept of the policy of restructuring goes on unabated—in this instance, from the more entrenched positions of power. For all Ninas the hope springs eternal.

Historians Chart New Course

24000103 Prague RUDE PRAVO in Czech
6 Mar 89 p 3

[Interview with Prof Dr Vaclav Cada, Political College of the CPCZ Central Committee, by Jaroslav Kojzar: "Which Topics Are Popular?"; date and place not given; first paragraph is RUDE PRAVO introduction]

[Text] In RUDE PRAVO of 14 February, we discussed with Prof V. Capek, the chairman of the Czechoslovak Historical Society at the Czechoslovak Academy of Sciences, the increasing interest of our population in historical themes and in history per se. Today we want to find out which topics are drawing most attention. For that reason we interviewed Prof Dr Vaclav Cada, of the Political College at the CPCZ Central Committee.

[Cada] Obviously, it is not a simple task to offer an exhaustive answer to your question. Nevertheless, I think that the interest in the books we publish and from the questions and suggestions addressed to editors or posed at various meetings we may assume that the interest, primarily in our modern and recent history, is growing at an unprecedented rate. This concerns above all such events as World War I, the founding of the independent Czechoslovak Republic in 1918, Munich,

the struggle for our national liberation, and also our building of socialism. Let us frankly admit that the achievements of Soviet historical sciences particularly spurred our young people's interest in the causes, manifestations and methods of rectification of deformations of socialism which occurred also in our country, both in the form of the so called political trials in the 1950's and during the crisis in our party and society in the late 1960's.

Of course, the interest in the main events of our medieval and ancient history—the realm of Great Moravia, the Premysl or Luxembourg dynasties, King George of Podebrady, the anti-Hapsburg revolts, or the formation of the modern Czech and Slovak nation and its development in the Austro-Hungarian empire. Precisely in this conjunction it is evident that certain historical figures—simply, men of action—are attracting most attention. Especially noteworthy is the recent interest in the everyday life of society—in the life with all its joys, problems and anxieties.

[RUDE PRAVO] Do we have enough literature to satisfy the interest in such topics? Which areas should historical sciences study in depth?

[Cada] I think—and also admit with self-criticism—that we do not have enough scholarly literature and above all, literature that would attract most readers and interpret the lessons of our Marxist historiography to the masses. The situation of older history is much better, but even there we should reexamine, for instance, the Hussite era and our 15th-century history in general. Interesting and useful would be biographies of prominent European personages, not only Hus but also Zizka, Prokop Holy, Rokycana and naturally, also King George of Podebrady. We must shed light on the role of our Jagellonian kings and the figures of our national renaissance, as for example, Emperor Joseph II. Speaking as a historian specializing in modern history, I can say that we completely lack a comprehensive study of our cultural development during various eras, such as the Gothic or baroque periods, and so on.

However, I believe that we are even more indebted to our modern and latest history. In fact, we need a textbook of our party's history and a more comprehensive survey of the pre-Munich republic, of its political system and power structure, etc. It is commendable that at long last an overview of the Czech, or rather, Czechoslovak struggle for liberation is now in the works, because unlike Slovak historiography, we did not have such a work. Of course, our major, albeit so far unfulfilled task is the history of the building of socialism in the CSSR. Although we do have some monographs, we do not have a synthesis and above all, a readable, nonschematic review. Another problem concerns objective biographies of individual personalities of our recent history, such as Klement Gottwald, Antonin Zapotocky, Zdenek Nejedly, Zdenek Fierlinger as well as T. G. Masaryk, E. Benes and others. I think that the 10th plenum of the CPCZ Central Committee provided a great impetus precisely in this direction. In its spirit we must develop the methodology, conception and organization of our Marxist historiography.

[RUDE PRAVO] Is anyone dealing with these topics?

[Cada] Certainly, some of the topics I have mentioned are being studied. Our congress also discussed specific accomplishments and problems of our Marxist historiography. As for the accomplishments, I believe that especially noteworthy are the contributions by J. Poulik, Z. Klanica and B. Chropovsky on Great Moravia, by J. Zemlicka on the last kings of the Premysl dynasty, the monographs by J. Spevacek on King Vaclav IV and Emperor Charles IV, and the works on our national liberation by the recently deceased J. Koci, or on the revolt of the Estates by J. Petran, on the Enlightenment by J. Haubelt, and on the development of Czech society in the second half of the 19th century by O. Urban. In connection with the approaching bicentennial of the Great French Bourgeois Revolution, the treatise by M. Hroch will be very useful. Speaking of monographs and popular literature on our recent history, we should mention the outstanding contributions by my friends J. Galandauer on the founding of the Czechoslovak Republic, social democracy and B. Smeral, and by R. Kvacka on European developments between the two world wars and on Munich. Furthermore, we must not forget to commend V. Capek's two volumes on the teaching of history. Among the symposia very popular are "The History of the Czechoslovak Military System" and the first volume of "The History of the State and Law on Our Territory." However, we are not focusing exclusively on these "major" works. Very gratifying is the popularity of the edition "A Word About History" published by the Melantrich Company. In this context I think that the time has come to launch a popular magazine on Czechoslovak and world history. It will help us react to a whole number of current issues and problems, and last but not least, also effectively and aggressively counteract the stepped-up propaganda spread by our ideological opponents.

[RUDE PRAVO] Some of them were the subject of discussions at the Sixth Congress of Czechoslovak Historians. What conclusions have been reached in this respect?

[Cada] The Sixth Congress of Czechoslovak Historians dealt with all these questions and problems, as evident from the resolution adopted by the Congress.

[RUDE PRAVO] Thank you for your replies.

Resolution of the Sixth Congress of Czechoslovak Historians

At the meeting of the Sixth Congress on 9-11 February 1989, the Czechoslovak historians, proceeding from the ideas expressed in the keynote report "Historical Sciences in the Current Stage of the Development of Socialist Society," and on the basis of discussions in the plenum and in individual sectors, adopted the following resolution:

1. We are aware of the new challenges to our work posed by the demands of the restructuring of our socialist society. We are convinced that thorough knowledge of

the past is the prerequisite for the correct orientation when dealing with our current social problems and when setting up our future goals. We intend to proceed from the positive achievements of our Marxist-Leninist historiography and to enrich it even more with our new accomplishments. Its current shortcomings must be rectified by systematic research. We shall proceed in a creative fashion from the initiatives articulated in the discussions at the XVII CPCZ Congress, specified and now confirmed by the efforts of the Soviet people to achieve a new and better progress of socialism. The Czech and Slovak historians and the historians of other nationalities living in the CSSR regard the fulfillment of the restructuring in the scope of their endeavor as an important part of the restructuring of our entire society, and as a part of the revolutionary movement for new thinking and democratization of our society.

2. In our work we pledge allegiance to Marxism-Leninism which to us represents the methodological basis for our work and its still underutilized philosophical-historical system which develops the study of history on a thoroughly scientific foundation. In that context we shall further develop the theory and methodology and oppose all schematism, opportunism and stereotypes in our research of history. We are concerned about the application of methods of work that faithfully reflect the past, and thus, that will positively affect our people's minds and feelings, and encourage their patriotism, while strengthening our cooperation with the socialist, democratic and progressive forces of all nations.

3. The Congress of Historians appeals to scientists and experts to deal with scholarly and socially relevant topics, even those which thus far have not been treated properly or which have been avoided. This demands not only highly responsible approaches by historians, but also greater opportunities for the use of archives, access to more sources of information in our libraries and to foreign literature, and modernization of the bibliographic and information systems which are necessary for the fulfillment of our scientific tasks and for popularization of science.

4. Our main task is efficient basic scientific research which will anticipate the needs of our social practice. Basic research cannot be replaced by factographic information or by educational processes and methods of instruction. Furthermore, the time required for the process from the start of the research program to the publication of its results must be shortened.

5. In order to promote the democratic principle, we intend to upgrade the influence of a broader community of historians on the planning and conduct of historical sciences and on the fulfillment of its tasks. We are concerned also about better quality, coordination and all-around upgrading of the importance of regional history. We shall organize scientific discussions in journals and on other platforms. We shall be more scrupulous with critique in reviews. In order to guarantee the

continuity of scientific endeavors and to prevent problems with the replacement of cadres, we shall systematically participate in the search for talented young scientists and in their training, and pay unreserved attention to their comprehensive growth and to the improvement of their social conditions.

6. The Sixth Congress of Historians augurs a positive shift in the cooperation of the Czech and Slovak historians, which is of essential importance for the advancement of historical sciences in the CSSR. Our current good experience must be further expanded, all effective forms of cooperation used, and new methods of its intensification must be sought. The community of Czechoslovak historians must be united in focusing on the tasks of basic research and jointly engaged in further research, popularization and political education in accordance with the needs of our socialist society.

7. The Congress of Historians realizes that it shares the responsibility of our historiography for the conditions and quality of the teaching of history in schools. We shall cooperate in the writing of textbooks, in the planning of the curricula and in actual instruction on appropriate levels. We regard the teaching of history as an important part of the education of socialist man. We appeal to our educational agencies to upgrade the importance, quality and the share of the teaching of history on every level of the school.

8. The community of Czechoslovak historians emphasizes the social significance of the popularization of sciences for national culture, education and instruction of the masses, and for the unification and activation of the people for the fulfillment of the tasks of the restructuring program and for other revolutionary changes. For systematic and effective popularization of scientific knowledge of history we consider it imperative to publish a popular scientific magazine devoted to history.

9. Greater efforts must be made to use our cooperation with other disciplines of social sciences to the best advantage. In addition to interdisciplinary cooperation, we must promote cooperation among historical sciences, above all in modernization of the work in archives and to upgrade librarianship to a scientific discipline. With regards to the irreplaceable treasures kept in our archives, the Congress appeals to appropriate agencies and recommends that the material and other conditions of the Czechoslovak archive system be improved so that it may serve its scientific and social role in the process of the restructuring. Furthermore, the Sixth Congress supports the opportunities for the further comprehensive development of auxiliary historical sciences.

10. More efficient scientific research calls for substantially more attention to, and concentration of a new revitalization of the publishing program which has been inadequate and also very splintered, particularly with regards to our modern and latest history. The publication program may be improved more expeditiously by a

well-planned conceptual approach and by the concentration of the forces and funds on more extensive basic publishing ventures. We shall endeavor to publish all relevant works that meet our scientific standards and that are based on Marxist-Leninist methodology, regardless of the professional rank of their authors. Likewise, in order to use the funds and forces in a more lucrative fashion, it will be necessary to call for in-depth research of Czechoslovak history in foreign archives, for central databank, and for compilation of materials obtained in the course of our research.

11. Czechoslovak historians recognize the importance of intensive contacts with foreign scientific institutes in socialist and capitalist countries. Above all, we shall expand our traditionally close cooperation with Soviet historical sciences and compare scientific research data; rather than restricting ourselves to narrowly scholarly problems, we shall begin an effective dialogue with non-Marxist historiography. To fulfill this task, we shall promote open discussions on matters of principle related to historical sciences.

12. The congress recommends that the college of historical sciences at the Czechoslovak Academy of Sciences, all scientific historical societies and institutes of history study the recommendations contained in the resolution of the Congress as well as the conclusions of its sectors, and that they develop their own methods for that purpose. We recommend in particular that they organize the following new sectors of expertise:

- sector for the history of economics and historical ecology;
- sector for demography and historical geography;
- sector for the history of law;
- sector for regional history and history of enterprises;
- sector for librarianship and for auxiliary historical sciences;
- sector for the theory and methodology of history.

13. The participants in the Congress are fully aware of the urgent global problems in the world and most of all, of the issues of peacekeeping and cooperation among all nations. For that reason, we endorse the USSR's peace initiatives and efforts in international policy. Furthermore, from the historical standpoint, we support the Czechoslovak initiative postulating the establishment of a zone of trust in Central Europe. We wish that this position of ours be regarded as a perceptive voice of historians in support of the noblest ideas of our time.

Readers Urge Discussion on Low Quality of Products

24000114 Prague RUDE PRAVO in Czech
18 Mar 89 p 2

[Article by Jarmila Houfova: "Responsibility Is an Honor"]

[Text] Recently I heard this objection: When you write about our low-quality production, you hurt us on the foreign market. No capitalist manufacturer would allow the press to write negatively about him. Period. The end. The advice: Do not write about it. But is this advice entirely appropriate? Would it not have been better to address the manufacturing enterprise: Do not manufacture rejects; do not ruin your name on either the domestic or the foreign market?

But consider this: When there is a particular problem, many people are inclined to place responsibility, not with themselves, but with someone else. As far as that capitalist is concerned, I do not know what he would not allow. Surely, tests to evaluate product quality have become entirely routine in the West. But I certainly know one thing he would not dare to do: he would not manufacture low-quality goods persistently or in great numbers, because that would be a certain route to bankruptcy. (Let us not fool ourselves that all goods manufactured in the West have the mark of high quality, but they do not get a premium price for goods that do not have it. But here, alas, we sometimes pay a "premium price" for goods which cannot be called high quality. But I do not want to speculate further on this; overall, it does not have much significance anyway.

Rather, we should consider the attitude taken toward assuming responsibility for one's own mistakes. Where lies the path to reform if I am already tolerating such problems with quality in my enterprise (factory) that the People's Control Committee must attend "to the matter"? The responsibility for reform is first and foremost with me, even if there are various objective difficulties, as, for example with the quality of subcomponents. The final manufacturer has personal responsibility, not transferable to anyone or anything else. He is answerable for the integrity of his factory's trademark.

Thus, I am pleased by the example of Costume Jewellery Factory 5 of the Jablonec Costume Jewellery state enterprise, about which we read on March 17 under the title "Rejects For All To See." The title would seem to indicate that they have many rejects and complaints. The contrary is true, but they will not tolerate even those few rejects they do have here and there; and they display them publicly for all to see. And by no means did they tell our editor not to write about it. As prominent exporters know, what is important on the international market is not what is written about them at home, but what sort of goods they offer. And they offer quality.

"Why to do it simply" was the title of our remarks in Monday's edition. Essentially, it was a criticism of the bureaucracy which drags out the introduction of new products to markets in the Czech Socialist Republic and the Slovak Socialist Republic. Everything is done dubliciously and the idea behind it is really to remain idle. What does this demonstrate about the sovereignty of both national organs? Can there not be uniform Czechoslovak standards and regulations in many cases? Even this, apparently, awaits a reasonable resolution.

I do not know about you, but one of my favorite internal political features is page three of the Wednesday edition, which contains the Discussion Tribune column. I like it because here are found the voices of practical experience, people's opinions on one problem or another with which they have had personal experience, whether good or bad. This time the experiences were bad, and here are two. One was related by an upholsterer from a manufacturing cooperative (he did not want to be named, and we complied) and the second by Frantisek Cabelka from a Prague research workshop—IMADOS (to tell the truth, I do not know what that acronym stands for; some day, we will perish from these acronyms). But that is not important, what is important is that these are two examples from experience, where the rising levies against wages have begun to tell very negatively. In my judgement, what they say is a grave matter; obviously it is not possible to deal with everything at once, and one can never be certain that this or that decision (or instrument or what you call it) is absolutely correct, trouble-free, and all-encompassing, or that experience will not demand revision. Finally, everything we do we always hold a risk. It is a matter of being able to evaluate the results and consequences in time and come to the appropriate conclusions soon enough. No one will lose face on account of this.

It was with pleasure that I received news of the visit of the representatives of the CSR government to the East Bohemian Kraj (RP March 15 and 16). It was a working visit, as they say, in the field. If it were only that, to be sincere, it would not warrant unusual attention. But the government has set as its aim regularly to meet in individual krajs and considers these "initial meetings" an integral component of its new working style and at the same time a means of enhancing its oversight function. And that can only be welcomed.

HUNGARY

Pace, Stage of Slovenian Political Reforms Compared

25000178 Budapest MAGYAR NEMZET in Hungarian
11 Mar 89 p 9

[Article by Tamas Reti: "The Laboratory of Socialism; Where Does Slovenia Stand?"]

[Text] Yugoslavia's republics carry the legacy of two different traditions, i.e., that of the Turkish and the Habsburg empires. As a result of having been part of the

monarchy, Slovenia developed a higher standard of living, a more developed social structure, a low level of illiteracy, and experienced relatively advanced industrialization. Within the clear-cut framework of a one-party system and collective property, the most advanced economy in eastern Central Europe at the end of the eighties can be found in Slovenia.

Geopolitical Advantages

Slovenia's population constitutes less than 9 percent of Yugoslavia's population but it produces 18 percent of the gross national product. The per capita gross product is more than twice that of Serbia. The economy of the Slovenian republic is the most open, with three-fourths of its exports directed toward developed capitalist countries. Yugoslavian exports include an especially high proportion of Slovenian industrial consumer goods. The question arises how Slovenia was able to preserve and, indeed, advance its development during the last decade and, not infrequently, its civilization.

Slovenia's geopolitical location, i.e., the special situation of bordering on the West, has played an important role in its post-1945 development. The proximity of the western borders in the 1940's and the proximity of the eastern border in the 1950's kept the extremism of socialist heavy industrialization out of Slovenia. (Through huge sacrifices, the policy of industrial development treated Crna Gora and Serbia as strategically protected locations.) Even later, the development of heavy industry was secondary and, unlike the other republics, a more balanced industrial structure was created with preference given to producing consumer goods. Because of the type of production, large industrial centers were developed to a lesser degree and the traditions and decentralized features of the settlement structure were successfully preserved. The situation, so characteristic of the other republics, wherein large heavy industrial enterprises dragged their environments into a crisis, did not emerge in Slovenia where the largest enterprises were established to produce electrical implements, vehicles and textiles and where foundries were less important. An important feature of Slovenia's economy is a strong propensity for economizing and accumulation and an increase in long-range labor productivity, exceeding that of real wages which is unique in the country. On a national level, one-fourth of all investment projects are realized in Slovenia.

Consequently, an industry strong in capital and well equipped, was born. Half of the workers are also engaged as private owners in agricultural activities, which provides a vital sense of security. As opposed to the national rate of 16 percent unemployment, about 150,000 to 200,000 guest workers are employed here, and an under-use of labor "within the premises" exists.

In Slovenia, as in other parts of the country, an equalization of society and a reduction of party control over the economy began in the early 1960's. However, by the

end of the decade, here too, student movements and liberal ideas suffered a double defeat. Political liberalization was superseded by the "Yugoslavian cultural revolution" but, as a concession, economic decentralization began at the same time and local interests were better able to prevail. The Federation of Yugoslavian Communists (FYC) conducted an antimanager campaign during the course of which the independence-seeking technocracy was ousted from its positions. This campaign was not as intense in Slovenia where fewer dismissals took place and where preserving the ideal of an independent enterprise was more successful. This was due, in no small measure, to the fact that while in the southern republics an alliance of interests came into being between the power apparatus and the workers, in Slovenia a growing awareness of a concord of interests developed between technocrats and skilled workers. While in the south paternalistic and autocratic rule prevailed, in Slovenia more developed forms of coordination, more in harmony with the market, survived. Direct intervention in political and social organizations in the economy was more limited and withholdings for the social [benefit] structure were lower.

After 1980, following Tito's death, important changes in Slovenian public opinion occurred. Earlier, the FYC's social prestige was high; Tito's strong personality and the relatively high standard of living which was not much lower than that of the areas beyond the western borders covered up the economic crisis that was already developing, making it imperceptible on a personal level. According to a public opinion poll, half of those questioned still held the opinion that the FYC's policies fully served the population's interests. By 1988, however, the number of those giving positive answers fell to 8.3 percent. What happened in less than a decade?

Obstacles of Reform

Slovenian society went through a radical process of learning and became aware of the Soviet model's destructive ideological and economic effects. The view became prevalent that, despite the ideals of self-government, the Soviet model prevails in the economy, that politics determines economic management, that property relationships of a political nature are determining factors, and that heavy industrial, military, regional and administrative lobbies of a political nature interested in preserving the status quo stand in the way of reform. Although the economic crisis hit Slovenia to a lesser degree than other parts of the country, similar processes took place here, also. In the last ten years, the real value of personal incomes decreased by 40 percent on a federal level and by 15 percent in Slovenia. Despite the lesser extent of the decrease, it was more troubling, for the growing gap with the West was clearly perceptible in everyday life.

The crisis resulted in the birth of new social movements in the 1980's, in the rapid democratization of information and in the strengthening of the idea of the need for

pluralism. The Federation of Slovenian Communists included fundamentally new concepts in its views. It declared that a solution to the crisis can be carried out only through consistent political democratization and that the right of minorities to express their opinions must be recognized. The party, under the leadership of Milan Kucan, announced that it is willing to relinquish power and will not use any means of force if other organizations also will not use them. According to the January 1989 position of the Slovenian Central Committee, "The conditions for the development of an autonomous and socialist type of political democracy devoid of the party are: ending the power monopoly of the Federation of Communists and seeing to it that its place will not be taken by others under the monopoly of decisionmaking and in the name of the people and instead of the people." The image of a partially self-restricting party, which rejects a multi-party system but accepts limited political pluralism for the Yugoslavian People's Front and within the Socialist Federation of Yugoslavian Workers, is emerging from the federation's manifestations.

The concept of self-governing political pluralism without the party seems contradictory. It is doubtful that the party will be willing to enter the political arena as an equal partner. The Socialist Federation also rejects the introduction of the multiparty system because it is of the opinion that it would halt the democratization of the Slovenian party.

The conflict between the Slovenian democratization process and the special position of the Yugoslavian army is characteristic. Contrasted with the organization of the state and party leadership which is done at the republic level, the army is the only power organization which is organized at the federal level. The army, as the main beneficiary of budget and extrabudgetary payments and one of the causes of the inflationary process, was attacked several times in the Slovenian press. It was also criticized for transgressing the ideal of national equality and the principle of neutrality. The independent movements, primarily the Socialist Youth Federation, raised as a primary question the position of the army being outside of society. As a result of the criticism, the army's political police extended its activity to the legal civilian sphere, subordinating to itself the security apparatus and bringing action against those whose opinion it determined was hostile.

A new element has developed in the Yugoslavian power system. While Tito, as supreme commander, was the most important common point for military and civil power, after his death the collective head-of-state body was unable to preserve the triple union of state-party-army anymore. The army, after the party had lost its ideological leading role, took over the function of ideological arbitrator and at the same time tried to arrogate the supreme commander's earlier power for itself. Signs such as "We are Tito" appeared on the walls of barracks. The army's response to the Slovenian democratization

was the launching of an ideological campaign, during which even the possibility of security arrests was considered. The Slovenian state and party leadership, led by Milan Kucan, protested against and rejected in the presidium of the FYC Central Committee the accusations of being counterrevolutionary.

They Urge On a New Constitution

In order to change the situation, the independent political movements support a new constitution which would determine the army's role in society and would modify the republics' present system of relationships. They believe that only the coordination of national defense should be assigned to the federal level, the appointment of officers should be assigned to local authorities; this would make possible a balanced distribution of nationalities in the officer corps and would end the present predominance of the Serbs. The situation of the political power of the developed republics being out of proportion with their economic weight should undergo a drastic alteration. If this were to change, then there would be a greater possibility of realizing Gorbachev's statement made at his March 1988 visit to Ljubljana in which he called Slovenia the "laboratory of socialism."

POLAND

Sejm Elections: Retention of National List Advocated

26000376 Warsaw *PRAWO I ZYCIE* in Polish
No 10, 11 Mar 89 p 3

[Article by Dr Barbara Zawadzka, professor, constitutional law, Institute of State and Law, Polish Academy of Sciences: "How To Elect the Sejm"]

[Text] Among the problems of the electoral system which are awaiting immediate solution (see previous issue of PiZ), those currently most sharply felt are the need to broaden the political base for elections and the need for subjectivity in the electorate, and for them to fulfill an active and conscious role.

Satisfying these needs requires the proper framing of two elements of electoral law: proper establishment of a list of subjects (institutions, organizations) authorized to submit candidates and resolution of the difficult question of having electoral bodies check on the process of establishing lists of candidates, and in case of interference in maintaining them, the definition of the scope and rules of this process.

At present the constitution (article 100) authorizes political and social organizations "uniting citizens in cities and towns" to submit candidates. The constitution does not define any characteristics of the particular organizations which the law entitles to do this, and also does not explicitly direct them to electoral law in the question of

the right to establish a detailed list of these organizations. One may conclude from this that all legally operating organizations are authorized to submit candidates, independently of the object of these statutory activity, manpower, and territorial range of activity.

Until 1985 all electoral laws fulfilled a restricted interpretation of this rule, that is, they mentioned by name organizations having the right to submit candidates or additional characteristics of such organizations (for example, large-scale character), which took away this right from remaining organizations or those not having a given characteristic. Since 1985, the law for election to the Sejm interprets this rule most broadly from among hitherto existing laws. The right to submit candidates to electoral conventions is granted by law by name not only to the cited most important sociopolitical organizations (voivodship and central authorities of political parties and organizations including PRON signatories as well as PRON itself, trade unions, social-trade agricultural organizations, and organizations of youth, veterans, and women), but also to other social organizations of national scope "uniting citizens in cities and towns." So it appears from this rule that this law entitles each organization having a nationwide range of activity, even those acting in an area removed from politics. It disqualifies only organizations of regional and local scope and cells of all-Polish organizations lower than the voivodship level. In elections to the Sejm this limitation is fully justifiable.

This regulation means that subjects authorized to submit candidates are very numerous: in 1985 there were over 800 all-Polish social organizations. This stimulates the submission of very many candidates, in number exceeding many times over the number of parliamentary seats in the Sejm. Such a solution has its own good and bad sides.

The good side is precisely that wide accessibility to the right to submit candidates; it is difficult to level accusations that individuals not accepting the political system do not have access to it, since organizations not having anything in common with politics may also put forth candidates.

The bad side is precisely that multiplicity of candidates. For it creates a very wide field of activity for the bodies establishing lists of candidates (in the 1985 elections they bore the somewhat pretentious name of electoral conventions). The lack of legal regulation of the criteria as well as a procedure for undertaking these weighty decisions caused them to hinge upon any recognition by the conventions; at the same time their activity, similar to the activity of electoral administrative bodies in council elections, was not subject to any social control (other than the control of the all-Polish election convention, authorized to investigate complaints about the activity of voivodship conventions).

This meant, in preferential arrangement of candidates on the electoral lists and its effects on the system of determining election results, that in practice the decision on the composition of the Sejm lay in the hands of the conventions. The chances that the voters bring about changes by voting on the makeup of lists established by the conventions were in practice nil, especially in maintaining a rigid division of candidates between particular seats on the basis of political affiliation. The wide accessibility to the right to submit candidates then had in effect very little meaning; the electoral conventions through their own optional and uncontrolled decisions can implement any policy they want. These solutions at present will not be retained.

How will they be changed? A complete abandonment of the selection between the moment of putting forth candidates by authorized subjects and submission of the final list of candidates competing in the election for registration by the appropriate electoral commission poses two dangers: first, penetration of these lists by a large number of activists from the political opposition (and this is also "destructive"), which would seriously complicate the nation's political situation, and second, a flood of candidates which the voter will be unable to differentiate. Intermediate solutions are thus needed, linking the creation of conditions for a true election—not only personal but also political, within definite limits—with an essential minimum of control over the spontaneous processes of proposing candidates.

I believe that in order to resolve this dilemma we need different solutions for elections to national councils and elections to the Sejm. Indeed, all over the world local elections also have a political character and do not submit, as some would like, to "depoliticization," but their results do not have such direct effects on the area of state government or on its political content as do the results of parliamentary elections. So in national council elections it would be possible to permit more elements of spontaneity and competition both by a wider set of institutions authorized to submit candidates and by limitation of the elements regulating this process only quantitatively; for example, the electoral convention would be authorized to perform the selection among validly submitted candidates—and this only in agreement with the organizations which submitted the candidates—only in the case when their number exceeds, shall we say, three times the number of seats in a given electoral district. In elections to the Sejm farther reaching solutions are needed.

I believe that one must narrowly interpret the constitutional regulation on organizations authorized to submit candidates. Indeed, there is a lack of clear authorization in the constitution, but it is still within the bounds of a permissible interpretation of it. This is necessary especially in view of the emerging tendency now toward creation of new social organizations, which still is surely growing much stronger after the law on associations came into force. The constitutional regulation arose in a

different political reality; at present one can anticipate the founding of many organizations with a small membership (initiating groups with only a few members could register, as stated in the draft of the law on associations), of which a significant fraction will be active in areas far removed from politics.

Recognition of the law on submitting candidates for parliament would not be a rational justification for all these organizations whose number we are not able to foresee at present.

Of course, the right to submit candidates should continue to belong to parties, signatory organizations of PRON and PRON itself, and the largest organizations mentioned by name in article 100 of the constitution which are active in areas close to politics (trade unions, and so forth). In addition, this right should also belong to other organizations active in politics or in areas close to politics. Such a rule would also permit "constructive opposition" organizations to submit candidates, which certainly will arise based on the new law on associations.

Electoral law should retain requirements for an all-Polish character of an organization, possibly fulfilled by defining its minimal membership, in order to avoid submission of candidates by tiny organizations which do not represent large social circles. On the way to a political agreement it would be necessary to fix the number of candidates submitted by organizations named in the electoral law or by the remaining organizations, among which there might also be ones from the opposition. The total number of candidates should exceed the number of seats by 50 percent. In this framework, possible personal contests will demarcate the prospects of the choice left to the voters, not only personal but also political.

For it is necessary to move away from the rigid prearrangement of candidates for certain seats, as avoided by this possibility. I believe that such a solution would permit us to maintain the process of putting forth (submitting) candidates within the framework established by political agreement, and also would leave to the voters a rather critical margin of decision, on which would depend a detailed structure of political power in the newly elected Sejm (the general outlines of this structure would result from a political agreement on the number of candidates submitted by several organizations). From the point of view of the voters the elections would not lead to fiction, and important political rights would be protected.

I believe that under such a system there would no longer be the need for authorizing nonorganized groups of citizens, defined only numerically, to submit candidates for parliamentary seats. Conferment of this right on organizations having political interests, meeting only the criterion of membership and an all-Polish sphere of activity, would also make it possible for groups not identifying even with the broad political platform of

PRON to submit their candidates, and at the same time not wanting to overstep the bounds of legal activity. The fact that an organization went through the process of judicial or administrative registration would guarantee this last circumstance.

Such a solution would require maintaining some form of control over the process of putting forth (submitting) candidates. However, essential control would be limited to a statement as to whether the organization which submitted the candidate for parliament is active in a political area. The point of difficulty with this control would rest on the quantitative side. Whether special electoral bodies having a political character would perform this control (like electoral conventions and councils) or whether electoral commissions, the same ones which organize the voting and count the results, would do it is no longer a matter of primary importance. It is essential that the course of decisionmaking (for example, by voting), their criteria and the method for appointing the bodies carrying out the selection of candidates be clearly defined in electoral law.

Election districts should be small, so that the number of candidates does not exceed the perceptive abilities of the voters. The system of universal one-seat districts does not seem to meet the needs resulting from the coalition system of wielding authority. This would restrict the political palette of electoral offerings excessively. Taking into account different conditions, one could say that election districts should have up to three seats in parliament.

The national list has a distinct effect on the number of candidates which the voters have to settle. It may cause irritation because of its undemocratic character, since it presents a chosen group of candidates with no alternatives, not giving each candidate a chance at a discerning attitude from the voters due to their numbers; in effect it only creates conditions for acceptance or rejection as a bloc. So the chances of candidates from this list are greater than for candidates from normal district lists (which was confirmed by the results of the latest national council elections in which candidates on analogous non-alternative voivodship lists won a distinctly greater number of votes).

I believe, however, that despite these negative features of a national list, it can be left as an additional guarantee of bringing people into parliament whose political powers the union members in PRON recognize as especially important. It will be an additional guarantee of stability in the political system. If at the cost of deviation from uniform alternative rules of the election in relation to 10 percent of the parliamentary seats (or even 15 percent) one may gain the election procedure characterized above (or a similar one) with respect to the remaining seats, the goal will be worth this cost. (On the other hand, I would be opposed to retaining voivodship lists in national

council elections; the character and significance of these elections do not warrant this and also I know of no country in which a similar solution in local elections would be practical.)

This proposition is a solution for the main dilemmas of the elections; they undoubtedly can be solved in other ways, too. Information obtained up till now on proposals discussed at one of the roundtables shows that they are different from those presented here. Retention of a section of the electoral list is proposed for particular seats occupied by politically uniform candidates; at the same time a portion of these seats would fall to the political forces of the opposition. Groups of citizens defined numerically could submit candidates; this is necessary in situations when the law on associations lags behind and where new political forces are not yet sufficiently organized. Such regulations would solve the dilemma of broadening the social base of elections and not creating more opportunities for political choice between candidates. On the other hand the field of a true decision of the voters for particular seats would remain significantly broadened by abolition of the selection of validly submitted candidates. The question of excess candidates would be partially solved (for it does not increase the perceptual abilities of the voters) by introduction of two rounds of elections. In spite of everything this would be significantly greater progress than that seen hitherto.

It is most essential to move away from an electoral system acting so automatically that nothing remains to be decided by conscious human activity. Automatic action must be replaced by a real political campaign, the elements of which will be both the programs of the political forces competing in the elections, and informing the voters about the individual candidates. Thus they will be able to make a conscious decision, and not by the "fate method."

One should also remember that the roundtable, although in no way to deny its importance, does not replace wide social consultation with discussion on the resolution of the electoral law for the Sejm. It must be started as quickly as possible. Time presses.

Senate Electoral Law on Nominations, Election Procedures

26000453 Warsaw ZOLNIERZ WOLNOSCI
(Supplement) in Polish 8-9 Apr 89 p 15

[Law dated 7 April 1989 governing the law regarding elections to the Senate of the Polish People's Republic]

[Text]

Article 1

1. The elections to the Senate are correspondingly governed by the provisions of the Sejm Electoral Law, unless otherwise specified in this Decree.

2. The elections to the Senate take place concurrently with the elections to the Sejm.

Article 2

1. Senators are elected in electoral districts.
2. A Senate electoral district is the area of a voivodship.

Article 3

Two senators are elected from each electoral district, except in the districts represented by the Capital City of Warsaw Voivodship and the Katowice Voivodship, from each of which three senators are elected.

Article 4

The electoral wards established on Polish seagoing vessels as well as the wards established for Polish citizens abroad are part of the Capital City of Warsaw Voivodship Electoral District.

Article 5

1. To conduct elections to the Senate, voivodship electoral commissions are appointed on the same principles and by the same procedure as district electoral commissions.
2. Voivodship electoral commissions perform with respect to elections to the Senate the same tasks as district electoral commissions with respect to elections to the Sejm.
3. The State Electoral Commission and the ward electoral commissions appointed to conduct elections to the Sejm shall perform the same tasks with respect to elections to the Senate.

Article 6

The right to nominate candidates for senators belongs to:

- 1) national and voivodships heads of national political, social, and occupational organizations; these organizations submit nomination petitions signed by at least 3,000 voters;
- 2) voters from a given electoral district, numbering at least 3,000;.

Article 7

Simultaneous candidacy to the Sejm and to the Senate is excluded.

Article 8

The voivodship electoral commission prepares a register of Senatorial candidates in which it lists in alphabetical order all the properly nominated candidates.

Article 9

A separate ballot card is printed for each electoral district.

Article 10

1. In Senatorial balloting the voter does not cross off the ballot card the names of the candidates for whom he votes.
2. If number of names of candidates that are not crossed off the ballot card exceeds the number of senators to be elected in a given electoral district, the ballot is invalidated.

Article 11

1. The two candidates receiving sequentially the most votes are considered as elected to the Senate in a two-seat electoral district, on condition that each of the two receives more than one-half of the valid votes cast.
2. The three candidates receiving sequentially a majority of votes are considered as elected to the Senate in a three-seat electoral district, on condition that each of the three receives more than one-half of the valid votes cast.

Article 12

1. If none of the candidates wins the required number of votes or if the candidates receiving the required number of votes are fewer than the number of vacancies to the Senate in a given electoral district, runoff elections are conducted.
2. Runoff elections also are conducted when two or more candidates receive the same number of votes so that the sequence referred to in Article 11 cannot be determined.

Article 13

1. In the case referred to in Article 12, Paragraph 1, runoff elections are limited to at most two times as many candidates as there are vacancies to fill, on condition that they are the persons receiving sequentially the most votes, and if the sequence cannot be determined, all those persons receiving an equal number of votes are eligible as candidates.
2. In the case referred to in Article 12, Paragraph 2, candidates receiving an equal number of votes are eligible for runoff elections.

Article 14

The validity of the Senatorial elections is confirmed by the Senate on the basis of an electoral report prepared by the State Electoral Commission.

Article 15

1. A senator's mandate may expire owing to:

- 1) finding of invalidity of the election;
- 2) refusal to swear oath;
- 3) forfeiture of the right to vote;
- 4) demise;
- 5) relinquishment of mandate.

2. The expiration of the mandate is confirmed by the Senate.

Article 16.

In the event a vacancy to the Senate is not filled or expires, the Senate passes a resolution calling for by-elections.

Article 17

This Decree takes effect as of the day of its promulgation.

Sejm Electoral Law Changes in Procedures, Nomination, Balloting

26000452 Warsaw ZOLNIERZ WOLNOSCI
(Supplement) in Polish 8-9 Apr 89 pp 6-14

[Law dated 7 April 1989 governing the law regarding elections to the Sejm of the Polish People's Republic for the 10th Term, 1989-93]

[Text]

Chapter 1.

General Guidelines

Article 1

Elections to the Sejm of the Polish People's Republic are conducted in accordance with the Constitution of the Polish People's Republic.

Article 2

2.1. The elections are universal; the right to vote belongs to every citizen who on election day is 18 years old, regardless of sex, national and racial origin, creed, education, duration of residence in electoral ward, social origin, occupation, and personal assets.

2.2. The right to vote does not appertain to persons who are:

- 1) totally or partially incapacitated by a valid court verdict owing to mental illness;

2) deprived of civil rights by a valid court verdict;

3) deprived of voting rights by a valid verdict of the Tribunal of State.

Article 3

Any citizen with voting rights who is 21 years old on election day may be elected to the Sejm.

Article 4

The elections are equal; voters participate in elections on principles of equality.

Article 5

The elections are direct; voters elect deputies directly; votes can be cast only in person.

Article 6

The elections are by secret ballot; the polling area must contain separate and curtained-off premises safeguarding secrecy of balloting; the ballot cards are inserted in a sealed voting urn.

Article 7

The term of office in the Sejm is reckoned from the day the by-elections are completed.

Article 8

8.1. The elections are ordered by the Council of State not later than a month before the expiration of the Sejm's term of office.

8.2. The resolution ordering the elections fixes the date of elections on a legally work-free day within 2 months after the date of expiration of the Sejm's term of office. The resolution also specifies the electoral schedule fixing the dates of the performance of discrete electoral acts.

8.3. The resolution ordering the elections is published in DZIENNIK USTAW POLSKIEJ RZECZPOSPOLITEJ LUDOWEJ at the latest on the 45th day prior to election day.

Article 9

9.1. Deputies are elected:

- 1) in electoral districts;
- 2) from the national electoral slate.

9.2. The number of deputies to be elected from the national electoral slate is fixed by the Council of State, but it may not exceed 10 percent of the total number of deputies.

9.3. The resolution on the number of deputies to be elected from the national electoral slate is published by the procedure and within the timetable specified in Article 8, Paragraph 3.

Chapter 2. Electoral Districts

Article 10

To conduct elections, electoral districts comprising the entire or partial area of a voivodship are created.

Article 11

11.1. Two to five deputies are elected from each electoral district.

11.2. The number of deputies to be elected from discrete electoral districts is determined according to the district's population.

Article 12

12.1. The number of electoral districts, their boundaries, their numeration, and the number of Sejm seats for each district are determined by the Council of State.

12.2. The Council of State specifies the sites of the district electoral commissions.

12.3. The resolution of the Council of State on matters referred to in Paragraphs 1 and 2 is published in DZIENNIK USTAW POLSKIEJ RZECZPOSPOLITEJ LUDOWEJ and announced to voters by means of wall posters not later than on the 40th day before election day.

Chapter 3. Electoral Wards

Article 13

To conduct the elections, electoral wards are created.

Article 14

14.1. An electoral ward comprises from 500 to 3,000 persons.

14.2. In cases warranted by local conditions, electoral wards comprising more or fewer persons than specified in Paragraph 1 may be created.

14.3. Separate electoral wards may be created in places of temporary sojourn of groups of voters, with the exception of penal establishments, detention in custody, and social rehabilitation centers.

Article 15

15.1. The presidiums of basic-level people's councils create, on the recommendation of basic-level local offices of state administration with general powers, electoral wards and specify their numbering and boundaries as well as the sites of ward electoral commissions.

15.2. The resolutions appertaining to the numbering and boundaries of electoral wards and the sites of ward electoral commissions are announced to voters by means of wall posters to be put up not later than on the 35th day prior to election day.

Article 16

16.1. The commanders of military districts establish electoral wards comprising from 50 to 3,000 voters each and designate the sites of ward electoral commissions for billeted voters (voters residing in the areas of military units).

16.2. The wards referred to in Paragraph 1 are part of the electoral district within whose boundaries are stationed the military units for which the electoral ward is established.

16.3. The provisions of Paragraphs 2 and 3 apply correspondingly to the military units and schools subordinate to the minister of internal affairs and to the serried detachments of the Citizens' Militia, with the proviso that the powers of the commanders of military districts referred to in Paragraph 1 are exercised by the commanders of these military units and schools and the chiefs of the voivodship internal affairs offices.

Article 17

17.1. The numbering of the electoral wards referred to in Article 16 is determined in cooperation with the presidium of the concerned voivodship people's council.

17.2. The commanders referred to in Article 16 make sure that voters are notified about the formation of the ward, its number, and the site of the ward electoral commission.

Article 18

Electoral wards on Polish seagoing ships at sea on election day are created by the basic-level presidiums of people's councils proper for the domicile of the shipowner, upon a request by the shipowner to be submitted not later than 5 days before election day. No electoral ward may be created on a ship whose crew number fewer than 20 voters or when transmission of voting results is technically infeasible. A single electoral ward for several ships engaging in a joint cruise may be created. The resolution establishing such electoral wards specifies the location of the appropriate electoral district in which the shipowner is domiciled.

Article 19

19.1. Electoral wards for Polish citizens abroad may be created. Such wards are created by the minister of foreign affairs on designating the sites of the ward electoral commissions.

19.2. The electoral wards referred to in Paragraph 1 are part of the electoral district proper for the Warsaw-Midtown Borough.

Chapter 4. Voters' Lists

Article 20

20.1. The basic-level local offices of state administration concerned with vital statistics prepare lists of voters registered in the gmina [rural township], city, or city borough as permanent residents or as temporary residents for a period that comprises election day.

20.2. A voter who is not registered as a resident anywhere is included in the list of voters in the area of his current domicile provided that he submits 7 days prior to election day an appropriate request to the local office of state administration handling said list.

20.3. The list of voters specifies the name, surname, father's name, date of birth, and address of the voter.

20.4. The list of voters is prepared in two copies separately for each electoral ward. The list of voters should be signed and stamped with the seal of the office preparing it.

Article 21

A voter who changes his domicile after the list of voters is prepared receives on request from the office preparing that list a certification of his right to vote, authorizing him to participate in elections in the area of his new domicile on election day.

Article 22

The office preparing the list of voters deletes from that list the persons:

- 1) referred to in Article 2, Paragraph 2;
- 2) provided with the certification of his right to vote [referred to in Article 21];
- 3) about whom it receives official notification of their inclusion in the list of voters for another electoral ward.

Article 23

23.1. The minister of internal affairs shall issue an ordinance specifying the guidelines for preparing and updating lists of voters, granting certifications of the

right to vote, and making the lists available for public inspection. In addition, he determines a model list of voters and a model certification of the right to vote.

23.2. The preparation and updating of the lists of voters for the electoral wards referred to in Articles 16, 18, and 19 is correspondingly determined by means of an ordinance by the following ministers of state in cooperation with the minister of internal affairs: the minister of national defense; the minister of transportation, navigation, and communications; and the minister of foreign affairs.

23.3. The minister of justice determines, in cooperation with the minister of internal affairs, the procedure for transmitting information on the persons referred to in Article 2, Paragraph 2.

Article 24

24.1. Not later than on the 10th day prior to election day the office preparing the list of voters shall post it for public viewing on its premises for a period of 3 days, 5 hours each day, at times accessible to working people.

24.2. Irrespective of the public display of the list of voters, steps making it easier for voters to verify the correctness of their inclusion in the list may be taken.

Article 25

25.1. The voter may submit to the office preparing the list a claim about inaccuracies on the list, especially about the omission or inclusion of specified individuals on the list.

25.2. The claim is considered within 3 days of its submission.

25.3. Upon considering the claim, the office preparing the list of voters:

- 1) complements or rectifies the list, or
- 2) deletes from the list the person named in the claim, transmitting to that person its decision together with a rationale, or
- 3) does not settle the claim positively and transmits to the claimant its decision together with a rationale.

Article 26

26.1. The decision to reject the claim or to delete a person from the voters' list may be protested by the claimant or by the deleted person to the district court appropriate to that particular jurisdiction. A copy of the protested decision should be attached to the protest.

26.2. The provision of Paragraph 1 applies correspondingly to the refusal to grant certification of the right to vote.

26.3. The court considering such cases consists of one judge and two jurymen and it applies the corresponding provisions of the Civil Law Code on nontrial hearings. The hearing should take place within 3 days after the complaint is submitted. Copies of court's verdict on such cases are transmitted to the claimant and to the office preparing the list of voters. The court's decision is not appealable.

Article 27

Claims concerning lists of voters in the electoral wards referred to in Articles 18 and 19 are considered by, respectively, the captains of Polish seagoing ships that are at sea on election day or the heads of diplomatic missions or consular offices. Their decisions are final.

Chapter 5. Electoral Commissions

Article 28

The following bodies are appointed to conduct elections:

- 1) the State Electoral Commission;
- 2) district electoral commissions;
- 3) ward electoral commissions.

Article 29

29.1. The purposes of the State Electoral Commission are to:

- 1) supervise adherence to the provisions of electoral laws;
- 2) register the national electoral slate and publicize data on the candidates for deputies named on that slate;
- 3) arrange for the printing of ballots naming the deputies on the national electoral slate;
- 4) consider appeals against the decisions of the district electoral commissions and complaints about activities of these commissions;
- 5) determine the results of both regular elections and elections from the national electoral slate;
- 6) publish the results of both regular elections and elections from the national electoral slate;
- 7) issue certificates of election to the elected Sejm deputies;
- 8) submit to the Sejm a report on the elections.

29.2. In implementing its purposes defined in Paragraph 1 the State Electoral Commission provides the electoral commissions with guidelines and elucidations as needed.

Article 30

The purposes of the district electoral commission are to:

- 1) supervise adherence to the provisions of electoral laws in the area of the electoral district;
- 2) register nominations of candidates for deputies to be elected in the electoral district and prepare a registry of the candidates nominated in the district for discrete seats in the parliament;
- 3) arrange for the printing of ballot cards naming the deputies to be elected within the district;
- 4) consider complaints about the activities of ward electoral commissions;
- 5) issue authorizations to confidential representatives of the candidates for deputies;
- 6) determine the results of the balloting and of the elections in the electoral district as well as of the elections from the national electoral slate in the area of the electoral district and transmit these results to the State Electoral Commission.

Article 31

The decisions of the State Electoral Commission and of the district electoral commissions on matters referred to in Article 29, Paragraph 1, Point 4) and Article 30, Point 4) are final and binding on the lower-level electoral commissions.

Article 32

The purposes of the ward electoral commissions are to:

- 1) conduct elections within the ward;
- 2) supervise, on election day, the adherence to the provisions of electoral laws on the polling premises and during the elections;
- 3) determine the results of the elections in the ward and transmit them to the appropriate district electoral commission.

Article 33

33.1. The membership of the State Electoral Commission consists of: the chairman, two to four deputy chairmen, the secretary, and 15 members.

33.2. The membership of the district electoral commission consists of: the chairman, one to three deputy chairmen, the secretary, and eight to 12 members.

33.3. The membership of the ward electoral commission consists of: the chairman, the deputy chairman, the secretary, and four to eight members.

Article 34

34.1. The State Electoral Commission is appointed by the Council of State not later than on the 40th day prior to the elections, from among voters nominated by the leaderships of the political and social organizations, or jointly by these organizations. The Council of State may also appoint other voters to membership in the Commission.

34.2. The district electoral commissions are appointed by the presidiums of the concerned voivodship people's councils, not later than on the 38th day prior to the elections, from among voters nominated by the voivodship leaderships of the political and social organizations, or jointly by these organizations. The presidiums may also appoint other voters to membership in the commissions.

34.3. The ward electoral commissions are appointed from among voters not later than on the 25th day prior to the elections:

1) in gminas [townships], cities, and city boroughs—by the presidiums of the concerned basic-level people's councils;

2) in military units—by the presidiums of voivodship people's councils.

34.4. The ward electoral commissions in the electoral wards referred to in Articles 18 and 19 are appointed from among voters by captains of Polish seagoing ships and heads of diplomatic missions or consular offices. The procedure, guidelines, and timetable for appointing these commissions are determined by means of an ordinance by, respectively: the minister of transportation, navigation, and communications and the minister of foreign affairs.

Article 35

35.1. The Council of State determines the by-laws of the State Electoral Commission and the district and ward electoral commissions, on specifying in particular the operating procedures of these commissions and the procedure for overseeing their activities.

35.2. The Council of State determines:

1) model seals of the electoral commissions;

2) the form of registration of the nominations of candidates for deputies to be elected in the electoral districts;

3) balloting records;

4) forms of election reports;

5) forms of certifications of election.

Article 36

Any member of an electoral commission who is nominated for a deputy automatically forfeits membership in the commission.

Article 37

37.1. Members of the electoral commissions perform their duties without remuneration; they are entitled to per diems and reimbursement of travel expenses in accordance with the guidelines and rates fixed by the Council of State.

37.2. The workplace of a member of the electoral commission is obligated to release that member from work for the period of time required for his participation in the work of the commission, without detriment to his right to emoluments and other benefits associated with his or her regular employment, with the time spent on commission activities being credited as time worked.

37.3. Members of the electoral commission are entitled to the legal protection provided for political functionaries.

Article 38

The State Electoral Commission and the district and ward electoral commissions are disbanded by the Council of State once their activities are ended.

Chapter 6. Nominating the Candidates for Deputies

Article 39

39.1. Pursuant to the concluded roundtable agreement, the Council of State specifies for discrete electoral districts the number of seats allocated for candidates who are members of the Polish United Workers Party, the United Peasant Party, and the Democratic Party, and also of the PAX Association, the Christian Social Union, and the Polish Catholic-Social Association, as well as for nonparty candidates. In every electoral district at least one seat is set aside for nonparty candidates.

39.2. The decisions referred to in Paragraph 1 are contained in the resolution of the Council of State adopted in accordance with Article 12.

Article 40

Pursuant to the provision of Article 39, Paragraph 1, the district electoral commission appends [information on the party or nonparty affiliation] to the information on each numbered parliamentary seat and immediately notifies the voters accordingly.

Article 41

41.1. The right to nominate candidates for deputies to be elected in the electoral districts belongs to:

1) national and voivodship leaderships of the Polish United Workers Party, the United Peasant Party, and the Democratic Party, and also of the PAX Association, the Christian-Social Union, and the Polish Catholic-Social Association;

2) the national and voivodship leaderships of national social and occupational and professional organizations; these organizations must submit nominating petitions signed by at least 3,000 voters for each candidate;

3) voters from the concerned electoral district, submitting petitions signed by at least 3,000 voters.

41.2. The nominations submitted should specify the name, surname, age, occupation, workplace, and domicile of the candidate, as well as the number of the seat for which he is nominated.

Article 42

42.1. The voter may participate in nominating one candidate for each seat in a given electoral district.

42.2. The voter signing the nominating petition provides legibly his name, surname, age, address, and the number of his identity card.

Article 43

The first three voters to sign the nominating petition (the representatives of the candidate) referred to in Article 41, Paragraph 1, Point 3), are authorized to present declarations concerning said petition.

Article 44

44.1. The right to nominate candidates for the national electoral slate belongs to the consensus of the leaderships of the Polish United Workers Party, the United Peasant Party, the Democratic Party, the PAX Association, the Christian-Social Union, the Polish Catholic-Social Association, and the Patriotic Movement for National Rebirth.

44.2. The national electoral slate lists as many candidates as there are seats allocated to it. The candidates are listed alphabetically by surname, name, age, occupation, workplace, and home address.

Article 45

45.1. Candidates for deputies are reported to the electoral commission not later than on the 25th day prior to election day.

45.2. Each such report (nomination) should be accompanied by a written consent of the nominee for candidacy.

45.3. A candidate may stand for only one electoral district or for only one seat on the national electoral slate.

Article 46

46.1. The appropriate district electoral commission registers the nomination of the candidate for a specified seat in accordance with the provisions of this Decree, on notifying the candidate accordingly.

46.2. If the nomination submitted is incorrectly prepared, the electoral commission declines to register it and immediately notifies the nominating organization or the representatives of the nominating voters to correct the indicated irregularities within a period specified by the commission.

46.3. In the event that they consider the commission's stand to be unwarranted, the nominating organization or representatives of the nominating voters may appeal to the State Electoral Commission. The appeal should be submitted within 2 days from the date of the refusal to register the nomination. The decision of the State Electoral Commission on this matter is final.

Article 47

47.1. Following the elapse of the time limit referred to in Article 45, Paragraph 1, the electoral commissions prepare registers of correctly nominated candidates for discrete seats.

47.2. In the electoral districts the names of the candidates for discrete seats are listed alphabetically on specifying their surname, name, age, occupation, workplace, and home address.

Article 48

Not later than on the 15th day prior to election day the appropriate electoral commissions shall provide to voters information about candidates for deputies by publicizing it in wall posters.

Article 49

The appropriate electoral commission deletes the name of a candidate who is deceased, forfeits his right to be elected, or withdraws his consent to candidacy, from the registry of the candidates nominated for discrete seats or from the national electoral slate. The commission immediately notifies the voters about the deletion.

Article 50

50.1. A candidate for deputy has the right to appoint his confidential representatives to membership in the district electoral commission and in every ward electoral commission within the district in which he is a candidate. Candidates may appoint jointly a single confidential representative.

50.2. The candidates for deputies who are up for election in the electoral wards referred to in Article 16 appoint a confidential representative from among voters in that ward who are servicemen in active military service.

50.3. The appointment referred to in Paragraph 1 is reported to the district electoral commission not later than on the 10th day prior to election day. The notice of appointment should specify the names, surnames, and addresses of the proposed confidential representatives, as well as the commissions to which he is to be appointed.

Chapter 7. Ballot Cards

Article 51

51.1. On registering the national electoral slate, the State Electoral Commission orders printing the needed number of ballot cards and assures their delivery to the ward electoral commissions.

51.2. On preparing the registries of the candidates nominated for discrete seats, district electoral commissions order, by a procedure specified by the State Electoral Commission, the printing of the needed number of ballot cards and assure their delivery to ward electoral commissions.

Article 52

The ballot card used in the elections to the national electoral slate lists the candidates in alphabetical order by surname and name.

Article 53

53.1. Separate ballot cards are printed for each seat in an electoral district.

53.2. The ballot cards listing the candidates in electoral district specify the identifying numbers of the parliamentary seats and the surnames and names of the candidates entered in the registry of candidates.

Article 54

54.1. A ballot card may be printed on only one side.

54.2. A ballot card is stamped with the seal of the appropriate electoral commission.

54.3. the Council of State determines the specific forms of ballot cards.

Article 55

The procedure and the guidelines for preparing and providing ballot cards for the electoral wards referred to in Articles 18 and 19 are determined by, correspondingly, the minister of transportation, navigation, and communications and the minister of foreign trade, upon consulting the Council of State.

Chapter 8. The Voting Process

Article 56

56.1. The voting takes place on the premises of the ward electoral commission continuously between 0600 and 2200 hours.

56.2. In particular cases, especially those warranted by requests of voters, the ward electoral commission may, upon consulting the district electoral commission, fix an earlier hour for the voting to begin.

56.3. Voting in the electoral wards referred to in Articles 18 and 19 takes place between 0600 and 2200 hours local time, and if the local time is such that the voting would end on the day subsequent to election day then the voting put forward to the day preceding election day.

Article 57

The ward electoral commission may, upon consulting the district electoral commission, order an earlier end to voting process if all the voters registered on the list of voters have cast their ballots.

Article 58

58.1. If owing to extraordinary events the voting is temporarily impeded, the ward electoral commission may, upon consulting the district electoral commission, interrupt or prolong the voting process or postpone it till the following day. Such decisions should be made public in the manner usually followed in a given locality and brought to the notice of the local basic-level office of state administration with general powers.

58.2. In the event of the interruption or postponement of the voting process, the commission seals the slot of the ballot urn and transmits the urn to the chairman of the ward electoral commission, who is responsible for its preservation. Before resuming the voting process the commission verifies in writing that the seal was not violated.

Article 59

59.1. Before commencing the voting process the ward electoral commission checks to see that the ballot urn is empty, that the list of voters and the needed number of

ballot cards are on hand, and that the premises of the commission contain an appropriate number of readily accessible curtained booths assuring secrecy of balloting, whereupon the ballot urn is locked and commission's seal is affixed.

59.2. Between the time the seal is affixed and the time the voting ends, the ballot urn may not be opened.

Article 60

Between the time the voting commences and the time its results are determined, at least three members of the ward electoral commission should be present all the time in the voting premises, with one of these three members being the commission chairman, and another a vice chairman or the secretary. Confidential representatives of the candidates have the right to be present on the voting premises on election day by virtue of an authorization issued by the district electoral commission.

Article 61

61.1. The chairman of the ward electoral commission assures secrecy of balloting and maintenance of order during the elections, and he may issue corresponding instructions.

61.2. On the demand of the commission chairman, the local basic-level office of state administration with general powers places security personnel at his disposal.

Article 62

On election day no electioneering is permitted on the voting premises.

Article 63

63.1. Before casting his ballot the voter shows to the ward electoral commission his identity card or other document serving to verify his identity.

63.2. A voter who is on the list of voters but who lacks a document considered by the commission to be sufficient to verify his identity may provide testimony by two credible witnesses known to the commission. The commission's decision on verifying the identity is final.

63.3. The commission verifies whether the concerned individual is named on the list of voters or has a certification of his right to vote; the person showing such certification is included by the commission on the list of voters and the certification is retained in order to append it to the list of voters.

63.4. A voter who is not named on the list of voters and who cannot show an authorization of his right to vote will be included in the list on election day and permitted to vote if the notation on his identity card shows that he

is registered as a permanent resident of the ward in which he desires to vote. This does not apply to persons deleted from the list of voters pursuant to Article 22 [Article 2].

Article 64

64.1. After performing the activities referred to in Article 63 the voter receives ballot cards from the commission. To avoid multiple voting, the voter's name on the list of voters is ticked off when he is issued the ballot cards.

64.2. After receiving the ballot cards, the voter enters the curtained booth installed on the voting premises.

Article 65

65.1. In voting for candidates in his electoral district, on each ballot card the voter does not cross off the card the name of the candidate for whom he casts his vote.

65.2. If more than one candidate's name is not crossed off the ballot card, that ballot card is invalidated.

Article 66

In voting for candidates on the national electoral slate the voter casts his vote for the candidates whose names he does not cross off the ballot card.

Article 67

67.1. The voter drops the ballot cards into the slot in the ballot urn in the presence of members of the ward electoral commission.

67.2. Disabled persons who enter the voting premises may avail themselves of the assistance of other persons.

Article 68

At 2200 hours the chairman of the ward electoral commission orders closing the voting premises. Henceforth votes may be cast only by the voters who had entered these premises before 2200 hours.

Chapter 9. Determining the Results of Ward Elections

Article 69

Immediately after the voting is ended, the ward electoral commission determines the results of ward elections. Confidential representatives of the candidates may be present.

Article 70

70.1. The chairman of the ward electoral commission opens the ballot urn, whereupon the commission counts, separately for each parliamentary seat allotted to the ward as well as for the national electoral slate:

1) the number of ballot cards distributed, that is, the number of voters who participated in the elections;

2) the number of the ballots cast that are deemed invalid, that is, the number of invalid votes;

3) the number of ballots cast that are deemed valid, that is, the number of valid votes.

70.2. Ballot cards that are completely torn in half are not taken into consideration when determining the balloting results.

Article 71

71.1. Invalid votes include those cast on ballot cards other than those officially prescribed as well as, with regard to candidates for parliamentary seats in electoral districts, ballot cards on which more than one candidate's name is left not crossed out.

71.2. Writing in additional names or other handwritten notation on ballot cards is not legally punishable and does not invalidate the vote.

Article 72

After it determines the number of valid votes, the ward electoral commission determines:

1) in the electoral district—the number of the votes cast for candidates for each parliamentary seat;

2) for the national electoral slate—the number of votes cast for each of the candidates.

Article 73

73.1. The ward electoral commission prepares two copies of the report on the ward election with respect to:

1) the deputies elected in the electoral district;

2) the deputies elected from the national electoral slate.

73.2. The report on election results specifies the numbers of:

1) persons authorized to vote, i.e., persons named on the lists of voters;

2) ballot cards cast;

3) invalid votes;

4) valid votes;

5) votes won by individual candidates; in this connection, the information referred to in Points 2) to 5) is provided separately for each parliamentary seat in the electoral district.

73.3. The report on election results specifies the opening and closing times of the elections and describes the pertinent instructions and decisions issued as well as other major circumstances.

73.4. The report is signed by all the members of the ward electoral commission present during its preparation. The commission's seal is affixed to the report.

73.5. Confidential representatives of the candidates have the right to include in said report their comments, on specifying any grievances they may have.

73.6. Immediately after the report is prepared, the ward electoral commission makes public the election results.

Article 74

74.1. The chairman of the ward electoral commission immediately transmits in a sealed envelope copies of each of the reports on ward election results to the district electoral commission appropriate for the given electoral ward.

74.2. The procedure for the transmittal and reception of the reports is determined by the State Electoral Commission.

74.3. The procedure and guidelines for the transmittal to the appropriate district electoral commissions of election results from the electoral wards referred to in Articles 18 and 19 are determined correspondingly by the minister of transportation, navigation, and communications and the minister of foreign affairs.

Article 75

75.1. After performing the activities referred to in Article 74, Paragraph 1, the chairman of the ward electoral commission immediately transmits to the appropriate local office of state administration with general powers the following election documents: the ballot cards cast (valid and invalid ones separately), the lists of voters, and copies of election reports.

75.2. The documents on the voting process in the wards referred to in Article 18 are transmitted by the captains of Polish seagoing ships to the minister of transportation, navigation, and communications.

75.3. The documents on the voting process in the wards referred to in Article 19 are preserved by the heads of Polish diplomatic missions and consular offices.

75.4. The organs referred to in Paragraphs 1-3 preserve the documents transmitted to them until such time as they receive instructions from the Council of State. These documents can be made available with the consent of the Council of State.

Chapter 10. Determining the Election Results

Article 76

76.1. Based on the election reports received from the ward electoral commissions, the district electoral commission determines:

1) the results of the balloting for parliamentary deputies in the electoral district;

2) the results of the balloting for parliamentary deputies from the national electoral slate in the area of the electoral district.

76.2. The balloting results should be determined in the presence of confidential representatives of the candidates.

Article 77

The district electoral commission prepares two copies of the report on the balloting for parliamentary deputies in the electoral district and from the national electoral slate. The provisions of Article 73, Paragraphs 2-5 apply correspondingly.

Article 78

78.1. Based on the reports on elections to parliamentary deputies in the electoral district, the district electoral commission determines the election results for discrete parliamentary seats.

78.2. These results may be determined in the presence of confidential representatives of the candidates.

78.3. The candidates for deputies who receive more than one-half of the valid votes for the parliamentary seat for which they compete in the electoral district are considered to be the elected candidates.

78.4. If no candidate wins the required minimum of votes for the seat for which he competes, runoff elections to that seat are held.

78.5. The runoff elections are limited to the two candidates who received successively the largest numbers of votes, but if the order of succession cannot be determined, the runoff elections are open to all candidates who receive an equal number of votes.

Article 79

79.1. The district electoral commission prepares two copies of a report on elections to parliamentary deputies in the electoral district. The report contains:

1) the names and surnames of the deputies elected to discrete seats;

2) the identity numbers of the seats for which runoff elections will have to be held and the names and surnames of the candidates competing in the runoff elections.

79.2. The provisions of Article 73, Paragraph 4, apply correspondingly.

79.3. The confidential representatives of the candidates have the right to include in the report their comments specifying any complaints they may have.

Article 80

80.1. The chairman of the district electoral commission transmits immediately, in a sealed envelope, to the State Electoral Commission one copy each of the balloting report prepared by the district electoral commission and of the report on the elections to deputies in the electoral district, along with copies of other pertinent documents.

80.2. The procedure for the transmittal of reports and documents is determined by the State Electoral Commission; they are stored until appropriate instructions are received from the Council of State.

Article 81

81.1. Based on the reports received from all the district electoral commissions, the State Electoral Commission prepares a report on the results of the balloting and elections of parliamentary deputies from the district and from the national electoral slate in the area of the district.

81.2. Candidates from the national electoral slate are considered elected if they receive more than one-half of the valid votes.

Article 82

The State Electoral Commission notifies the public by means of an announcement about the results of the elections to the Sejm according to electoral districts and from the national electoral slate.

Article 83

83.1. Immediately after the election results are determined, the district electoral commissions announce to the voters the identity numbers of the parliamentary

seats for which runoff elections are to be held, and the names and surnames of the candidates eligible for the runoff elections.

83.2. The runoff elections are held on the 14th day after the original elections, by the procedure specified in this Decree, with the proviso that:

1) the voting takes place on the basis of the same list of voters;

2) the voting takes place only on the national territory;

3) the names and surnames of the candidates for deputies are all placed on the same ballot card, divided into seats;

4) the candidates for deputies who receive the largest number of valid votes are considered elected to the seats for which they were nominated.

83.3. The State Electoral Commission notifies the public by means of an announcement about the results of the runoff balloting and elections.

Article 84

Announcements of the State Electoral Commission about balloting and election results are subject to publication in DZIENNIK USTAW POLSKIEJ RZECZPOSPOLITEJ LUDOWEJ.

Article 85

The State Electoral Commission issues certifications of election to the elected Sejm deputies.

Article 86

The State Electoral Commission presents a report on the elections to the Sejm at its first session.

Chapter 11. Validity of the Elections

Article 87

The validity of the elections of deputies is verified by the Sejm on the basis of the election report presented by the State Electoral Commission.

Article 88

88.1. The election of a deputy may be protested on the grounds of a violation of the provisions of this Decree or of electoral fraud, if said violation or fraud influence the election results.

88.2. The protest against the elections of deputies from an electoral district may be made by a voter whose name had on election day been present on the list of voters in one of the electoral wards in the area of the concerned district.

88.3. If the grounds for the protest is the accusation of an electoral fraud, or if the protest concerns the national electoral slate, the protest may be made by any voter.

88.4. The right to protest can also be exercised by electoral commissions.

Article 89

89.1. The protest is submitted in writing to the Supreme Court not later than within 7 days from the date the election results are made public by the State Electoral Commission.

89.2. Regarding voters from the electoral wards referred to in Articles 18 or 19, the requirements specified in Paragraph 1 are considered fulfilled if the protest is submitted to the captain of the Polish seagoing vessel at sea or to the head of the Polish diplomatic mission or consular office.

89.3. The person submitting the protest should specify therein his accusations and present or indicate the proofs on which he bases them.

Article 90

90.1. The Supreme Court leaves in abeyance a protest submitted after the elapse of the time limit specified in Article 89, Paragraph 1, or one submitted by a person not so authorized by Article 88.

90.2. If the protest does not meet the requirements of Article 89, Paragraph 3, the Supreme Court allows the protester an additional 7 days for meeting these requirements.

90.3. In the event the protest still does not meet these requirements after the additional 7 days, the Supreme Court may leave the protest in abeyance.

90.4. If the protest contains an accusation of electoral fraud, the Supreme Court immediately notifies the Prosecutor General of the Polish People's Republic.

Article 91

91.1. Three justices of the Supreme Court consider the protest on applying correspondingly the provisions of the Code of Civil Proceedings governing nontrial proceedings.

91.2. The participants in the proceedings are, legally: the person submitting the protest, the concerned electoral commission, and the Prosecutor General of the Polish People's Republic.

91.3. The Supreme Court formulates an opinion on the protest and presents it, together with the dossier on the case, to the Sejm.

Article 92

92.1. On considering the accusations contained in the protest and the opinion of the Supreme Court, the Sejm decides on the validity of the deputy's election.

92.2. If it decides in favor of invalidating the deputy's election, the Sejm also decides on the conduct of new elections and the scope of the invalidation.

Chapter 12. Expiration of a Deputy's Mandate, By-Elections

Article 93

93.1. A deputy's mandate expires owing to:

- 1) finding of invalidity of the deputy's election;
- 2) refusal to swear the Sejm oath;
- 3) forfeiture of the right to be elected;
- 4) demise;
- 5) relinquishment of mandate.

93.2. The expiration of the deputy's mandate is confirmed by the Sejm.

Article 94

94.1. In the event that a mandate in an electoral district is not filled or expires, the Sejm shall within not later than 6 months pass a resolution on conducting by-elections.

94.2. By-elections are not conducted during the last 6 months prior to the expiration of the Sejm's term.

Article 95

95.1. The by-elections are conducted in accordance with the procedure and guidelines specified in this Decree, within 3 months from the date the Sejm passes the resolution to conduct them.

95.2. The resolution of the Council of State ordering the by-elections is announced not later than on the 10th day after the Sejm passes the resolution to conduct them.

95.3. When ordering the by-elections, the Council of State specifies their timetable, and with respect to certain electoral procedures it may specify shorter time limits than those specified in this Decree.

95.4. Voting in the by-elections can take place only on the national territory.

Chapter 13. Specific and Final Provisions

Article 96

96.1. The cost of the elections is defrayed from the stage budget, with the caveat that this does not apply to the costs relating to the nomination of candidates and their electoral campaigns.

96.2. All written communications and judicial and administrative proceedings relating to electoral affairs are exempt from fees.

Article 97

Candidates for deputies have access to the state mass media on the principles defined in the roundtable documents.

Article 98

Rallies of voters organized to nominate candidates for deputies or convened and held as part of the electoral campaigns conducted on behalf of the candidates are not subject to the provisions of the Decree of 29 March 1962 on Rallies (DZ.U., No 20, Item 89, 1962; No 12, Item 115, 1971; No 14, Item 113, 1982, and No 36, Item 167, 1985).

Article 99

99.1. The preparation of voting premises for the ward electoral commissions and the provision of suitable equipment and facilities for these premises is assured by the local basic-level offices of state administration with general powers.

99.2. The technical and organizational conditions of work of the district electoral commissions are assured by the appropriate local voivodship-level offices of state administration with general powers.

99.3. The offices of state administration referred to in Paragraphs 1 and 2 may entrust the execution of the tasks referred to in these paragraphs to entities of the socialized sector.

99.4. The preparation of voting premises for the ward electoral commissions appointed for the electoral wards referred to in Articles 18 and 19, and the provision of suitable equipment and facilities for these premises is assured correspondingly by the commanders of military units, captains of Polish seagoing vessels, and heads of diplomatic missions or consular offices.

Article 100

The Decree of 29 May 1985 on the Law Governing Elections to the Sejm of the Polish People's Republic (DZ.U., No 26, Item 112) is hereby voided.

Article 101

This Decree takes effect on the day of its publication.

**Constitutional Amendments on Senate,
Presidency; Powers Outlined**
*26000451 Warsaw ZOLNIERZ WOLNOSCI
(Supplement) in Polish 8-9 Apr 89 pp 3-5*

[Law dated 7 April 1989 governing changes in the Constitution of the Polish People's Republic]

[Text]

Article 1

The following amendments are incorporated in the following articles of the Constitution of the Polish People's Republic (DZ.U., No 7, Item 36, 1976; No 22, Item 81, 1980; No 11, Item 83, 1982; No 39, Item 175, 1983; No 14, Item 82, 1987; and No 19, Item 129, 1988):

1) Paragraphs 1 and 2 of Article 2 are reworded as follows:

"Article 2.1. The working people rules the state through its representatives elected to the Sejm, to the Senate, and to the people's councils.

"2.2. The people's representatives are responsible to their voters and may be recalled by them";

2) The heading of Chapter is changed as follows: "The Sejm and the Senate of the Polish People's Republic";

3) Article 20 is complemented with the following Paragraph 4:

"4. Lawmaking initiative belongs to the Sejm deputies, to the Senate, to the President, and to the Council of Ministers";

4) In Article 21:

a) Paragraph 1 is reworded as follows:

"1. The Sejm consists of 460 deputies and is elected for a term of 4 years";

b) Paragraph 3 is reworded as follows:

"3. A deputy's immunity to penalties, arrest, and judicial trial may not be waived without the consent of

the Sejm. The Sejm gives that consent by a majority of at least two-thirds in the presence of at least one-half of the total number of deputies."

5) Article 22 is reworded as follows:

"Article 22.1. The Sejm deliberates at its sessions.

"22.2. The first session of the newly elected Sejm is convened by the President within a month from the date the elections end";

6) Article 23 is complemented with the following Paragraph 5:

"5. The Sejm may appoint a commission to investigate a particular matter. The powers and procedural aspects of the commission are determined by the Sejm";

7) Articles 25-31 are reworded as follows:

"Article 25. The Chairman of the Council of Ministers or individual ministers are duty-bound to answer the interpellations of deputies within a time limit and by a procedure to be determined by the Sejm.

"Article 26.1. The Sejm may pass a declaration of war only in the event of an armed invasion of the Polish People's Republic or when international agreements dictate the need for mutual defense against aggression; when the Sejm is not in session, the war is declared by the President.

"26.2. The Sejm appoints for the duration of war the Supreme Commander of the Armed Forces of the Polish People's Republic; when the Sejm is not in session, the appointment is made by the President.

"26.3. The legal conditions and consequences and the procedure for declaring war are specified in the Decree.

"Article 27. 1. Decrees passed by the Sejm are, with the exception of the budget decree, transmitted to the Senate for consideration. Within a month from the date of transmittal, the Senate may propose to the Sejm particular changes in these decrees or their rejection. The Sejm may override the Senate's proposals by a majority of two-thirds (in the presence of at least one-half of the total number of deputies).

"27.2. The Senate examines drafts of the national socioeconomic plan, the budget decree, and the financial plans of the state. The Senate presents its position to the Sejm. Following their passage by the Sejm, the national socioeconomic plan and the budget decree and the financial plans of the state are transmitted to the Senate which may within 7 days propose specific changes to the

Sejm. The Sejm may override the Senate's proposals by a majority of two-thirds in the presence of at least one-half of the total number of deputies.

"27.3. A decree is signed by the President, who then orders its immediate promulgation, if:

"1) the Senate notifies the President that it has no reservations about the decree;

"2) the Senate does not announce within the specified time limit proposals for particular revisions of the decree or its rejection;

"3) the Sejm passes or rejects the revisions proposed by the Senate.

"27.4. Before signing a decree the President may within a month request the Constitutional Tribunal to verify the decree's consonance with the Constitution.

"27.5. The President may refuse to sign a decree, whereupon he returns it to the Sejm, together with a rationale, for reconsideration. If the Sejm again passes that decree, by a majority of at least two-thirds in the presence of at least one-half of the total number of deputies, the President signs it and orders its immediate promulgation in DZIENNIK USTAW.

"Article 28.1. The Senate consists of 100 senators and is elected for the same term of office as the Sejm.

"28.2. The validity of a senator's election is verified by the Senate.

"28.3. A senator's immunity to penalties, arrest and judicial trial cannot be waived without the consent of the Senate. Such consent requires a majority of at least two-thirds of votes in the presence of at least one-half of the total number of senators.

"Article 29. 1. The Senate elects a Speaker and Deputy Speakers from among its members.

"29.2. The Speaker, or in his absence a Deputy Speaker, directs the deliberations and keeps track of the work of the Senate.

"29.3. The Senate's deliberations are public. The Senate may resolve upon secrecy of its deliberations if so required by the good of the state.

"29.4. The first session of the newly elected Senate is convened by the President within a month from the end of the elections.

"29.5. The procedural order of the Senate and the nature and number of its committees are determined by by-laws passed by the Senate.

"Article 30.1. The Sejm may disband itself by a resolution adopted by a majority of two-thirds of the votes in the presence of at least one-half of the total number of deputies.

"30.2. If the Sejm does not appoint a government for 3 months, if it does not pass for 3 months the national economic plan or the budget decree, or if passes a decree or adopts a resolution rendering it impossible for the President to exercise his constitutional powers defined in Article 32, Paragraph 2, the President may, upon consulting the Speaker of the Sejm and the Speaker of the Senate, disband the Sejm.

"30.3. The disbanding of the Sejm is tantamount to terminating the term of office of the Sejm and the Senate.

"Article 31.1. Elections to the Sejm and the Senate are ordered by the President not later than 1 month prior to the expiration of the Sejm's term of office, on specifying the date of the elections within 2 months from the date of expiration of the Sejm's term of office.

"31.2. In the event the Sejm is disbanded, the President orders elections to the Sejm and the Senate, on specifying the date of the elections within 3 months from the date the Sejm is disbanded.

"31.3. The elections take place on a nonworking day."

8) The following Chapter 3a is incorporated after Article 31:

"Chapter 31. The President of the Polish People's Republic"

"Article. 32.1. The President of the Polish People's Republic is the highest representative of the Polish State in domestic and international relations.

"32.2. The President watches over adherence to the Constitution of the Polish People's Republic and guards national sovereignty, national security, the inviolability and indivisibility of national territory, and adherence to international political and military alliances.

"Article 32a.1. The President is elected by the Sejm and the Senate combined into the National Assembly.

"32a.2. The President is elected for 6 years and may be reelected only once.

"32a.3. Any citizen of the Polish People's Republic who enjoys full rights to elections to the Sejm may be elected to the Presidency.

"32a.4. The President's term of office commences on the day he takes office.

"Article 32b.1. The Speaker of the Sejm convenes the National Assembly:

"1) with the object of electing the President;

"a) within 1 month prior to the expiration of the term of office of the incumbent President;

"b) within 1 month after the day the office of the President is vacated;

"2) to affirm permanent inability of the President to exercise his office owing to the state of his health;

"3) to consider the question of impeaching the President before the Tribunal of State.

"32b.2. The resolutions of the National Assembly concerning the election of the President are adopted by an absolute majority of votes in the presence of at least one-half of the members of the Assembly.

"32b.3. The deliberations of the National Assembly are chaired by the Speaker of the Sejm.

"32b.4. The right to nominate candidates for the President belongs to members of the National Assembly if they number at least one-fourth of the total number of members of the Assembly.

"32b.5. If during the first round of elections no candidate for the President gets the required majority of votes, during each successive round the candidate receiving the least number of votes is eliminated.

"Article 32c.1. The President-Elect takes office upon swearing the following oath before the National Assembly:

"In taking, by the will of the National Assembly, the office of President of the Polish People's Republic, I solemnly swear to the Polish Nation that I shall remain faithful to the provisions of the Constitution and firmly guard the dignity of the Nation and the sovereignty and security of the State. I swear that the good of the Fatherland and the prosperity of the citizens shall always remain to me the highest behests.

"32c.2. The President who is elected prior to the expiration of the term of office of the incumbent President takes office the day after that expiration.

"Article 32d.1. The President exercises his powers and duties pursuant to and within the framework of the Constitution and the laws.

"32d.2. For violating the Constitution and the laws, or for perpetrating a crime, the President may be impeached before the Tribunal of State.

"32d.3. Impeachment of the President may occur through a resolution of the National Assembly when taken by a majority of at least two-thirds of the votes of the overall number of the Assembly's members. Once he is impeached, the President may temporarily be suspended from his office.

"Article 32e.1. Vacating the office of the President prior to the expiration of its term occurs owing to:

"1) demise;

"2) resignation of office;

"3) affirmation by the National Assembly of permanent inability to exercise office owing to state of health, by a majority of at least three-fifths of the votes, in the presence of at least one-half of the total number of members of the Assembly;

"4) deposition from office by a verdict of the Tribunal of State;

"32e.2. In the event that the office of the President is vacated, until the new President takes office, or when the President cannot temporarily officiate, he is replaced by the Speaker of the Sejm; the Speaker of the Sejm replaces the President also when the Sejm's term of office has expired.

"Article 32f.1. The President of the Polish People's Republic:

"1) orders elections to the Sejm, to the Senate, and to people's councils;

"2) appoints and recalls plenipotentiary representatives of the Polish People's Republic to other countries;

"3) receives letters of accreditation and recall of the diplomatic representatives of other countries accredited to him;

"4) is the Commander in Chief of the Armed Forces of the Polish People's Republic;

"5) chairs the Committee for National Defense, which is the proper body for national defense and national security;

"6) asks the Sejm to appoint or recall the chairman of the Council of Ministers;

"7) asks the Sejm to appoint or recall the chairman of the National Bank of Poland;

"8) may convene and chair sessions of the Council of Ministers on matters of special importance;

"9) confers orders, decorations, and honorific titles;

"10) exercises the right of pardon;

"11) exercises other powers envisaged in the Constitution or granted by decrees.

"32f.2. Pursuant to the decrees and with the object of executing them, the President issues orders and ordinances. A decree shall define the legal acts of the President that are of major importance and require countersigning by the chairman of the Council of Ministers.

"Article 32g.1. The President ratifies and renounces international agreements.

"32g.2. The ratification of the international agreements which entail considerable financial burden on the state or the necessity of changes in legislation requires prior consent of the Sejm.

"Article 32h. The President exercises overall supervision over people's councils. The specific powers of the President in this domain shall be defined by a decree.

"Article 32i.1. The President may decree martial law in a part of or throughout the territory of the Polish People's Republic if so required by considerations of national defense or by an external threat to national security. For the same reasons, the President may decree partial or total mobilization.

"32i.2. The President may decree for a specified period of time, but for not longer than 3 months, a state of emergency in a part of or throughout the territory of the Polish People's Republic, if there arises an internal threat to national security or in the event of a natural disaster. The duration of state of emergency may be extended only once, for a period of not more than 3 months, upon the consent of the Sejm and the Senate.

"32i.3. The conditions and legal consequences of the imposition of martial law, and the procedure therefor, shall be defined in decrees.

"32i.4. For the duration of the state of emergency the Sejm may not disband itself, and in the event that its term of office expires, it is subject to an extension for a period of 3 months after the termination of the state of emergency.

"32i.5. During the duration of the state of emergency neither the Constitution nor the electoral laws may be amended.

"Article 33.1. The President may appoint and recall ministers of state authorized to exercise their duties on his behalf. The scope of the authorization is defined by the President.

"33.2. The executive organ of the President is the Chancellery of the President. The President confers the Chancellery's statute and appoints and recalls its chief."

9) The title of Chapter 4 is reworded as follows:

"The Constitutional Tribunal, the Supreme Chamber of Control, the Citizens' Rights Spokesman";

10) In Article 33a, Paragraph 1, the period is replaced with a comma and the following expression is added: "and in addition he determines the nationally binding interpretation of decrees";

11) In Article 35 Paragraph 4 is deleted;

12) In Article 36, Paragraph 1, the period is replaced with a comma and the expression "with the consent of the Senate" is added;

13) The following Article 36a is added after Article 36:

"Article 36a.1. The Citizens' Rights Spokesman watches over the rights and liberties of citizens specified in the Constitution and other provisions of law.

"36a.2. The Citizens' Rights Spokesman is appointed by the Sejm with the consent of the Senate for a term of 4 years.

"36a.3. The operating procedures of the Citizens' Rights Spokesman are specified in a decree.";

14) Article 37 is reworded as follows:

"Article 37.1. The Sejm appoints and recalls the government of the Polish People's Republic—the Council of Ministers, or its individual members, upon the proposal of the chairman of the Council of Ministers, presented upon consulting the President. The Sejm may recall the Council of Ministers or its individual members on its own initiative as well.

"37.2. During the interval between terms of office of the Sejm the President appoints and recalls members of the Council of Ministers upon the recommendation of the chairman of the Council of Ministers. The President presents the corresponding appointment or recall decision for confirmation to the Sejm at its next session."

15) In Article 38 Paragraph 2 is reworded as follows:

"2. The Council of Ministers is accountable and reports to the Sejm on its activities, and in between the Sejm's terms of office it is accountable and reports to the President";

16) In Article 41, Point 2), the expression, "is presented to the Sejm," employed twice, is replaced with the expression, "is simultaneously presented to the Sejm and the Senate";

17) Article 60 is reworded as follows:

"Article 60.1. Judges are appointed by the President on the recommendation of the National Council of the Judiciary.

"60.2. Judges may not be removed from office, with the exception of cases specified in a decree.

"60.3. The powers, membership, and operating procedure of the National Council of the Judiciary are defined in a decree";

18) In Article 61:

a) Paragraph 3 is deleted;

b) Paragraph 4 is reworded as follows:

"60.4. The Chief Justice of the Supreme Court is appointed from among justices of the Supreme Court and recalled by the Sejm on the recommendation of the President, while justices of the Supreme Court are appointed and recalled by the President";

19) In Article 65:

a) Paragraph 1 is reworded as follows:

"1. The Prosecutor General of the Polish People's Republic is appointed and recalled by the President";

b) Paragraph 3 is reworded as follows:

"3. The Prosecutor General reports to the President on the activities of the Procurature";

20) In Article 94:

a) the designation of Paragraph 1 is retained;

b) the following Paragraph 2 is added:

"2. Elections to the Senate are general, direct, and conducted by secret balloting";

21) In Article 96 the expressions "and the Senate" are inserted after the expressions "to the Sejm";

22) Article 100 is reworded as follows:

"Article 100. Candidates for deputies, senators, and members of people's councils are nominated by political and social organizations and by voters";

23) In Article 101 a comma and the word "senator" are inserted after the word "deputy";

24) In Article 102 a comma and the word "senators" are inserted after the word "deputies."

Article 2

1. The first session of the newly elected Sejm and Senate shall be convened by the Council of State within a month from the date the elections are ended. Until the Senate votes its own bylaws, it will govern itself by the corresponding bylaws of the Sejm.

2. The Speaker of the Sejm shall convene the National Assembly within 2 months from the date the elections are ended.

Article 3

1. The Council of State continues operating and exercising its powers, as defined in the previous provisions of the Constitution and in decrees, until the day on which the President takes office.

2. The legally defined powers of the Council of State are transferred to the President on the day on which he takes office, unless these powers are transferred to other organs.

Article 4

1. The expiration date of the term of office of the Supreme Court at the time the present Decree takes effect shall be defined by a decree.

2. Until the National Council of the Judiciary becomes active, judges remain appointed by the traditional procedure.

Article 5

The term of office of the Sejm elected on 13 October 1985 expires on 3 June 1989.

Article 6

This Decree takes effect as of the day of its promulgation.

YUGOSLAVIA

Dialogue Between Serbs, Slovenes Termed Impossible

29000024 Paris LE MONDE in French
12 Apr 89 pp 1, 5

[Article by Alain Debove: "Impossible Dialogue Between Serbs and Slovenes: Yugoslav Fissures"]

[Text] Ljubljana—Divisions and nationalist movements are becoming more pronounced in the fragile Yugoslav mosaic and mistrust has set in among the republics. Little Slovenia, where a kind of socialism is evolving that is "human in stature," feels increasingly isolated vis-a-vis a more conventional Serbia which, since regaining control of Kosovo, has been gradually increasing its political influence.

Even before the Kosovo incidents, relations between Slovenia and Serbia were ambiguous. The two Yugoslav republics were not on the same ideological wavelength. But Belgrade and Ljubljana have been bickering ever since the riots in March, which resulted in at least 24 deaths, the dispatching of 15,000 soldiers to the spot, the proclamation of "special measures" and a curfew, still in effect in the region.

"An odd way, now at the close of the 20th century, for the Serbs to resolve a problem and regain control of an autonomous province that had broken loose from their control. Can you imagine, they brought in tanks instead of looking for a political solution! This is unworthy of contemporary Yugoslavia," declared Mrs Katja Boh, the vice chairwoman of the Social Democratic Union, one of the movements founded during the past few months in Slovenia to promote political democratization. Things have gone so far that Slovenes can today no longer speak with their old Serbian friends and vice versa.

Oddly enough, it was in Slovenia, within the Yugoslav Federation, that the Albanians of Kosovo found practically their only support in the conflict that sets them against the Serbs. Yet, there is no privileged bond that links the country's richest republic, in the North, with the most disinherited province, about 1,000 km away from it. We would instead be tempted to say that 600 years of development separate them! To counteract the wave of Serbian nationalism stirred up by Mr Slobodan Milosevic, the Slovenes—confused officials and alternative movements—rallied to the cause of the Kosovo Albanians. First, they expressed their solidarity in February with the miners striking at Trepca who had entrenched themselves in the bottoms of the minepits and gone on a hunger strike. A committee for the defense of human rights in Kosovo was even formed in Ljubljana and within a few days time several hundreds of thousands of citizens signed a petition specifically demanding "respect for human rights in all parts of Yugoslavia as well as recognition of the political, economic and cultural autonomy of people of all nationalities living in Yugoslavia." They then criticized the emergency measures adopted to repress "nationalists and separatists" and demanded the recall of Slovene units incorporated into the federal militias in Kosovo. And lastly, they maintained that this policy had "failed" since it was supposed to avoid bloodshed. At some public meetings extremist statements like "the Albanians are for the Serbs what the Jews were for the Nazis" were heard. It took no more than that, of course, to raise a hue and cry in Serbia and the riposte was not long in coming.

The Slovenes found themselves immediately accused of every kind of blasphemy: defense of "counterrevolution," separatist tendencies, offenses against the army, attacks on Yugoslav unity, etc. In response, they demanded of the Belgrade Parliament an appraisal of the cost and the result of the peacekeeping operations in Kosovo. Their request was brusquely rejected with, to boot, a certificate of "antimilitarism." A similar request

involving the use of aid for development disbursed to Kosovo through the expedient of federal funding at the rate of over a million dollars a day suffered the same fate. The response that was spit out: "Stop behaving like neocolonialists!"

In Ljubljana they deplore the fact that any discussion, "normal" in a European country, will henceforth be impossible in a Yugoslavia governed by overheated emotions where everyone nevertheless maintains that he wants democratization. "You can't ask the slightest question," Danilo Slivnik, the head of the "DELO" [a Ljubljana daily newspaper] Domestic Policy Department, sighed, "without being deliberately misinterpreted or suspected of harboring unhealthy intentions by other republics."

Growing Isolation

The consequence of these set-tos is that Slovenia is finding itself increasingly isolated in the federation because its Croatian neighbors have been somewhat reserved since Mr Milosevic's "victory" in Kosovo. It knows what it wants—increased democratization and a transition to a true market economy—but it is aware that it is too small (less than 2 million inhabitants) and too weak to get others to accept its ideas. In the current supercharged and irrational phase, it has the feeling that it has enemies everywhere, as many in the republics as in the federal administrations, and that its position has been weakened following the recent events. Some Slovenes do not conceal their uneasiness. Thus the Slovenian Democratic Union has just proposed to the Ljubljana Parliament that it vote on a bill stipulating the "inviolability of Slovenia's borders." Who in fact knows whether Serbia and the federal authorities are not planning to apply the emergency measures adopted in Kosovo to bring the Slovenian democratic factions back into line?

Another Ljubljana Parliament proposal to write into the new Slovene constitution the right to self-determination and of secession was not appreciated either.

The feeling here is that the Serbian nationalist offensive has blocked the process of democratization that is in progress. The alternative movements do not dare go "too far" for fear of getting their republic's "liberal" leaders into trouble, to begin with Messrs Milan Kucan, the popular number-one man of the Communist League, and Joze Smole, the chairman of the Socialist Alliance, who have gradually opened their organizations [to others] and are not opposed to "ideological competition" with other movements.

To go too far might provoke a return to a hard line. Since not everybody in the Slovene leadership agrees with Mr Kucan. The old guard is still present and the balance of power could possibly shift. "We are a minority in the federation and now is not the time to add fuel to the fire," Mr Dimitrij Rupel, the chairman of the Slovene

Democratic Union, said. "The Slovene political spring began 4 years ago, but no one can guarantee that this liberal experiment will continue. We are blocked because the general situation in Yugoslavia is itself blocked and unforeseeable." These parallel movements that aspire to parliamentary democracy in time do not know too well what attitude to assume. They are a little social democratic, a little green, a little nationalist.... For the time being, they are probably more on the defensive, behind their leaders, than anything else.

Oddly enough, it is in the Communist League itself that we currently find the most "radical" individuals. "In connection with the Kosovo affair," Mr Ciril Baskovic, the executive secretary of the Central Committee, felt, "Slovenia did not prove to be sufficiently firm and critical. Not with respect to Serbia, but as opposed to the government and federal authorities who had adopted those emergency measures in Kosovo. Of course, people would have accused us once again of acting in concert separately and of developing separatist ideas. But this is a ridiculous argument since Slovenia has no prospects for a future outside of Yugoslavia and of a Yugoslavia turned toward Europe."

The conflict between Slovenia and Serbia goes beyond the dispute over the Kosovo issue. Essentially, it has to do with Yugoslavia's future. Should it commit itself to the course of liberalization, of greater decentralization within the framework of a "confederal" structure, as most of the Slovenes are demanding? Or, on the contrary—this is the Serbian choice—opt for unification, strengthening of the federal government and a policy of redistribution of the revenues of all the republics?

In Ljubljana the response is clear. The same model for economic development cannot be applied in the relatively prosperous northern part of the country (Slovenia and Croatia) and in the poor or economically underdeveloped republics of the South (Serbia, Montenegro, Macedonia), where unemployment rates are sometimes over 15 percent. "A selfish attitude," say detractors of the Slovenes, who reply to this: "We'll never accept reforms that would ruin us and we'll use our veto right to stop them. The interests of each republic or autonomous province must be protected." In Ljubljana they hope that the next plenary session, scheduled for 14 April in Belgrade, will make it possible for them to gain a more exact idea of the six republics' positions on party and economic reforms.

CZECHOSLOVAKIA

Creation of Cooperative Associations Viewed 24000119b Prague RUDE PRAVO in Czech 14 Mar 89 p 4

[Interview with Mikulas Sutka, chairman of the Czech Association of Manufacturing Cooperatives, by Eva Sadilkova: "Does the Association Protect the Cooperatives?"; date and place not given; first two paragraphs are RUDE PRAVO introduction]

[Text] Teams of manufacturing cooperatives have become associated in an organization that will protect all their interests. They will finance the operations of their association from their own resources and therefore, in return they expect good services. Above all, they need help in obtaining materials and in replacing obsolete machinery, etc., so that they may fulfill their important tasks better than ever before—to supply expeditiously our domestic market with attractive goods that are in demand.

In recent days the Committee for Party Work in the CSR discussed these and other issues of which we spoke with Comrade Mikulas Sutka, chairman of the Czech Association of Manufacturing Cooperatives.

[RUDE PRAVO] What is the current task of the Association?

[Sutka] As in the past, the Association serves three inseparable functions—economic, special interest, and social. However, unlike in the past, its relation to the basic units of the manufacturing cooperative system has changed. The cooperatives enjoy substantially greater independence but they also face greater responsibilities. The Association must now really satisfy the demands of our society. We intend to help the cooperatives with the fulfillment of this task. Last year joint efforts of the cooperatives and the Association resulted in additional deliveries of Kcs 350 million worth of consumer goods.

[RUDE PRAVO] How do the cooperatives help meet the needs of our domestic market?

[Sutka] The Czech cooperatives alone provided, for example, 8 percent of consumer goods delivered to our markets, which means 12 percent of the outerwear, 16 percent of fur products, 20 percent of knitted goods, 13 percent of furniture, 25 percent of sports needs, 22 percent of toys, and 13 percent of canvas footwear.

[RUDE PRAVO] However, it is a fact that some cooperatives still do not act in accordance with our national interests...

[Sutka] Most cooperatives realize their tradition and the needs of our public, but in reality sometimes purely economic interests and attempts to earn high returns and

the needed income prevail over the needs of the given area or of our public. Precisely here the Association plays a vital role by influencing such aims and intentions.

[RUDE PRAVO] Nevertheless, certain cooperatives have made it clear that the Association in its present form is of no help to them...

[Sutka] Past practices which continued between the Association and the cooperatives for quite a long time—i.e., the attitude of a superior entity toward its subordinates—is over. Our cooperatives are independent; only two main indicators stemming from the state plan have been set for their economic programs. Thus, it is no longer a question of controlling the cooperatives as much as of offering them assistance and opportunities for their operations which benefit both our society and the cooperatives.

[RUDE PRAVO] What is the share the cooperatives contribute to the Association?

[Sutka] The cooperatives contribute 1 ½ percent of their total outputs (after deducting the value of materials produced for their own needs) to the Association's operations and to joint cooperative funds. Manufacturing cooperatives of disabled persons contribute only 1 percent. However, some of the funds are returned in various ways to the cooperatives. Because the members of manufacturing cooperatives are not organized in trade unions, our Association cooperates with the agencies of social services for cooperatives in providing benefits which in other enterprises are offered by the ROH [Revolutionary Trade Union Movement], among other things, recreational opportunities for members of manufacturing cooperatives.

[RUDE PRAVO] The most painful current problems the cooperatives are facing are their obsolete machinery and the shortages of essential raw materials, such as timber, metals, textiles, and so on. How does the Association deal with these matters? Are its officials fully aware of the needs of the cooperatives?

[Sutka] It is not the duty of the Association to go hunting for every spare part, but rather to ensure the cooperatives a status that will put them on an equal footing with the rest of our economic subjects, as guaranteed by the law on the housing, consumer and manufacturing cooperative system. Now the important thing is to translate this into reality.

[RUDE PRAVO] How can the Association aid the cooperatives in finding their place in our domestic markets?

[Sutka] It calls their attention to the changes in assortments of products and to goods that may soon become unprofitable. On the basis of marketing surveys it offers advice about the most expeditious direction of production; it helps initiate cooperative contacts, etc.

[RUDE PRAVO] Isn't it redundant? After all, our consumers' interests at present exceed by far the production capacity of the cooperatives...

[Sutka] This viewpoint may be misleading. For instance, several years ago some furniture-making cooperatives were facing a problem of operating at full capacity; now nearly all of them have orders for custom-made furniture that will keep them busy for the next two or three years. However, they realize that this is due, among other things, to certain shortages in the state-managed production. Nevertheless, state enterprises are very rapidly updating their machinery and soon they will be once again able to compete seriously. That is as it should be. The cooperatives will in fact be forced to manufacture goods for which they were organized, particularly for small-scale production of top-quality furniture. In all honesty, we must admit that now this often does not seem to be the case because their products are so much in demand that the cooperatives do not have to make any effort to modernize their production in a hurry. The situation in the production of textiles and some other types of goods is much the same.

[RUDE PRAVO] However, let us go back to the materials that still are in short supply in many cooperatives which on the whole may obtain from state production no more than 18 percent of the required amounts, and that is very little...

[Sutka] The problem is that the cooperatives do not need just any kind of materials, but only the best, because attractive fashion goods are often individualized and custom-made and cannot be made from any other materials. However, top quality materials are scarce. For that reason we are trying hard to expand our cooperation with our domestic market from which selected cooperatives may obtain funds to buy materials abroad, particularly textiles and knitting yarns from which they make finished products for the market.

[RUDE PRAVO] Yet our manufacturing cooperatives are meeting their plan...

[Sutka] That is true, but at what cost. Purchasing agents have to travel all around the republic to locate some materials here and some materials there, and that means considerable expenses. This is one of the most essential problems that is holding back the development of the cooperatives.

[RUDE PRAVO] Can you see any solution?

[Sutka] We would like to organize our own marketing base—a warehouse stocking all kinds of materials from which the cooperatives could select what they need. We realize that this would be a middle link, but under the circumstances at present we consider it expedient. Most of the surveyed cooperatives agree with our position.

[RUDE PRAVO] Are some cooperatives still operating at a loss?

[Sutka] Their number has risen after the restructuring of wholesale prices. We had 17 such cooperatives at the end of 1988, now there are 28 of them. On the plus side is the fact that their total losses are not increasing—they still amount to Kcs 23 million annually. But I must point out that many of those cooperatives cannot be blamed for operating at a loss.

[RUDE PRAVO] Who subsidizes cooperatives operating at a loss?

[Sutka] In part, the Czech Association of Manufacturing Cooperatives from the joint funds of the cooperatives, while the deficit-making services are subsidized by the state.

[RUDE PRAVO] Several new cooperatives have been organized. What is their initial experience?

[Sutka] It would be premature to make any assessments, as most of those cooperatives are just getting started. One may say that so far the new cooperatives have not made any great dent as regards the expected improvement in services and deliveries to our domestic market. They are focusing mainly on orders from state enterprises and on various nonproduction programs. Only a small part of them manufacture consumer goods and offer services to the public. Our new cooperatives are working predominantly for organizations. On that basis these cooperatives intend to become profitable and naturally, to offer their members good wages and favorable conditions for earning bonuses.

[RUDE PRAVO] Is it necessary that the Czech Association of Manufacturing Cooperatives permit the establishment of a new cooperative?

[Sutka] Competent national committees and the court to which the cooperatives apply for registration issue licenses for the organization of new cooperatives. However, our legal regulations demand that the establishment of a new cooperative be negotiated with us. In addition, we feel that we share responsibility for its future activities and therefore, we want to inform the interested parties about every obligation they will have to meet when the cooperative is established. So far it seems that many prospective organizers of cooperatives are only marginally interested, for example, in their duties toward their employees, such as health insurance coverage, the required work tools, and other obligations of the organization. If those cooperatives join our Association, we want them to enjoy the same privileges as the rest of our members.

[RUDE PRAVO] However, some laws and regulations prevent, or at least hold back the organization and existence of new cooperatives...

[Sutka] Some laws really did obstruct the establishment of new cooperatives, above all, because they insisted on many requirements which small cooperatives were simply unable to fulfill. Therefore, after negotiations with appropriate agencies we issued the principles for the management of small cooperatives. They will considerably simplify in particular their administration, accounting, statistics, and other matters.

[RUDE PRAVO] How many new cooperatives have been organized in the CSR to date, and how many of them are members of your Association?

[Sutka] Thus far, 25 new cooperatives have been organized and 7 of them have joined our Association this year.

[RUDE PRAVO] What interest is there in establishing a cooperative?

[Sutka] Last year the Association examined 21 proposals, two of which we rejected. The Association is now considering 30 new proposals.

[RUDE PRAVO] Why did you reject last year, for instance, the two proposals that you mentioned?

[Sutka] One of them was planned for the town of Teplice. After consultations with the local national committee we concluded that the services which that cooperative planned to offer would be of no benefit to the local population. In addition, the designated chairman lacked qualifications for the management of that cooperative. The other cooperative was planning to survey bridge constructions in North Moravia. A nurse who was to serve as its chairperson intended to work 25 percent of the time in that capacity.

[RUDE PRAVO] What do you require from a new cooperative that wishes to join your Association?

[Sutka] First of all, we want it to prove that it has the necessary economic prerequisites for its work and that it will operate in a given community where its services are needed. For that reason, we are closely cooperating with local authorities.

[RUDE PRAVO] What about the cooperatives that have not joined your Association?

[Sutka] We are not responsible for them. For that reason, we shall instruct appropriate state agencies to assume control over their management.

[RUDE PRAVO] Thank you for the interview.

New Agrofood Complex Economic Mechanism Discussed

*24000119a Prague RUDE PRAVO in Czech
24 Mar 89 p 4*

[Replies to readers' queries by Jaromir Algayer, minister of agriculture and food of the CSSR: "Speaking About the New Economic Mechanism in the Agrofood Complex"; date and place not given; first paragraph is RUDE PRAVO introduction]

[Text] We present additional replies to questions posed by our readers at the "long distance" press conference to Jaromir Algayer, minister of agriculture and food of the CSSR. The first part of his answers was published on Tuesday, 21 March.

[Jiri Cerny, Prague 4] I cannot say that I am pleased with the selection of food products available in the market, although it is incomparably better than the offer of consumer goods and durables. Is this because our agriculture operates under easier economic conditions than other branches? Will not the new economic mechanism in the agrofood complex further aggravate the situation?

[Algayer] It is difficult to compare the conditions under which our agriculture and other national economic branches operate. Our agriculture operates under specific conditions of farm work, i.e., in a situation with very different methods of production. The economic conditions must conform to such specifics. Views may differ about whether they are—or are not—easier than in other branches. Nevertheless, it should be noted that in recent years our agriculture has been earning an increasingly smaller share of profits—less than 50 percent—from its own operations. Therefore, in order to cover their needs, our agricultural enterprises branched out into nonagricultural production so as to obtain from such sidelines the necessary additional income. However, the goods of the nonagricultural production do not remain stockpiled in storerooms, which proves that our national economy needs such ventures.

The new economic mechanism which represents greater challenges to our agriculture will create the prerequisites for expanded entrepreneurial ventures and increase the efficiency and profits of the enterprises. Undoubtedly, a powerful impetus stems from the fact that the assets of the enterprise are contingent on the resources which the enterprises themselves create. This leads us to the conclusion that in the new economic conditions our agricultural enterprises will not cut down their production, but on the contrary, they will put their capacities to even better use and deliver to the market new food products, regional specialties, and so on. Furthermore, our central administration intends to encourage this effort.

[Judita Manzelova, Bratislava] How will the wages, particularly from associated or auxiliary production in the JZD's [unified agricultural cooperatives] and state farms be taxed after the comprehensive restructuring of the economic mechanism in our agrofood complex?

[Algayer] Pursuant to the law on income tax, the method of taxation of wages has not changed; in other words, the bonuses paid to JZD members are tax-exempt, as before. The wages of workers employed by state farms, cooperative enterprises and JZD's are taxed according to general regulations. To make the costs of direct labor comparable, the JZD's cover part of their members' social security contributions. In agreement with the new economic mechanism in force since 1 January 1989, taxes from wages and bonuses in all organizations of our agrofood complex are uniform, namely, they are subject to law on agricultural tax No 172/1988 of the Collection of Laws. The organization pays 50 percent tax on the amount of wages and bonuses paid for all operations, i.e., from agricultural and other activities. The amounts paid from the special compensation fund are included in the basic tax.

So long as the organization provides services that are not affected by the restructuring of prices (this concerns services to the public), it pays only 20 percent tax on wages and bonuses paid to its employees (members) engaged in such services. The list of the branches and services paying lower rates was published in the price bulletin of the Federal Price Bureau para 1/1989.

[Eng Zdenek Mikula, Ostrava] The current system of registration of immovable assets is outdated. Is there any plan to change it?

[Algayer] It is true that the system of registration of immovables no longer meets our current demands, nor does it provide space for the further development and for the inclusion of the land register in the data systems now being organized. Thus, the Czech and Slovak Geographic and Cartographic Institutes are planning a new review of these problems.

[Jan Novak, Kolin] The new system still allows for various types of subsidies to lagging agricultural enterprises. I think that so long as the stagnant enterprises can get any benefits, most of them will hardly feel compelled to manage any better, as our past practice has confirmed. In my view, support should be given to enterprises which operate efficiently, have a high standard of management, which have fulfilled their long-range developmental programs and which often enough have to take risks.

[Algayer] Until a more challenging economic atmosphere is created by the economic mechanism, our enterprises will not be forced to operate better and more efficiently; neither will our economic practice always meet current needs of our national economy. The regulations of the economic mechanism in force since 1 January of this year have created such an atmosphere. In

our agriculture we always had in the past—and obviously, we will have in the future as well—outstanding enterprises which show the directions and the potential for the development, and next to them, the average, below-average and stagnating enterprises. As for the lagging enterprises, the restructuring of the economic mechanism does not augur an easier life for them, but rather the opposite. Let us say that material incentives for enterprises and individuals are contingent on the way each enterprise is run. If it fails to earn the mandatory profits, it will not be able to add to its assets.

However, if some organizations are incapable of self-financing, we must proceed from the regulations of the laws on state enterprise and on the system of agricultural cooperatives. I consider it correct to give them an opportunity to marshal and mobilize their forces and economically speaking, to stand on their own feet. For that purpose the regulations will specify how the assets of the system in the agrofood complex must be managed; they will include stipulations on financial aid for progressive, socially desirable programs implemented as a rule by the prosperous economic enterprises.

[Eng Jarolim Herceg, chairman of the JZD in Bojnicky, District of Trnava] The central administration is withholding excessive financial funds. Does it use them wisely? I think that such funds could help intensify the primary agricultural production. Enterprises that operate honestly and score outstanding achievements are not benefiting from such funds.

[Algayer] The Ministries of Agriculture and Food of both our republics have at their disposal assets of the price fund, the fund of the system of the agrofood complex, and the resources of the state fund for land reclamation. They are using the assets of the price fund as supplementary payments in particular to procurement prices and bonuses, which are made available to all agricultural organizations that are involved in the production of appropriate goods and in deliveries, or that have met the stipulated criteria of intensity in production. Such payments are allocated regardless of economic achievements. The assets from the fund of the system of the agrofood complex are earmarked above all for the development of our state enterprises and JZD's which under the new economic conditions are not capable of self-financing and consequently, which will have to operate under special circumstances. However, the regulations for allocations of resources from this fund count on financial incentives for more intensive agricultural production; for instance, premiums may be given for the fulfillment of branch tasks of R&D; subsidies may be granted for investments in advantageous public, developmental and advanced technical projects, for environmental protection, etc. Moreover, subsidies from the fund of the system will be granted for the improvement of livestock breeding and for the cultivation of new types of crops that will markedly intensify our agricultural production. Assets from the fund of the system are about 30 percent below the current volume of nonprice mechanisms.

Financial grants from the land reclamation fund are made for investment and noninvestment projects that improve the yields and upgrade agricultural lands. Even prosperous organizations are eligible for such grants. In other words, the assets available from centralized funds are not earmarked for lagging organizations alone.

[Pavel Duda, doctor of law, JZD in Moravsky Krumlov, District of Znojmo] Membership shares represent one of the new forms of material incentives for economic achievements to the members of the cooperatives, fostering their dedication to the cooperative, and at the same time, providing certain financial resources for the needs of the development of the enterprise. However, thus far there are considerable uncertainties about this issue.

[Algayer] The cooperative may amend the guarantee for any potential loss in accordance with its own economic and social situation. Thus far, the center could not offer any clear-cut specification and resolution of all such problems. We proceed here from the options provided by our legal system. The law on the system of agricultural cooperations neither includes nor excludes the "membership share." It speaks of "guarantees for potential losses," that is, losses that figure in accounts, whether they are planned or not. The method of guarantees may be set, for example, in percents or as the total amount of the per-member share in the earnings for the year in which that particular loss appears in the accounting. Furthermore, the law allows guarantees in the form of deposits of membership shares; it does not exclude appropriate preferential treatment of such shares in the returns of the cooperative. The cooperative has full authority to decide this matter, so long as it has met its stipulated obligations (taxes, minimum allocations to funds, etc.).

Legal regulations do not determine the sequence for the repayment of incurred losses. The cooperative may decide whether it will use first the financial deposits (shares) or the contingency fund, etc., to pay for the loss. Membership meetings will approve the chosen method of a member's guarantee for the incurred loss as specified by the statutes of the cooperative. Pursuant to our economic code, the method of guarantee must be entered in the enterprise register.

[Zdena Rosinova, manager of the Central Slovakia Dairy Enterprises in Puchov] How are capital assets replaced in dairy industry enterprises? Since they are state enterprises, they must pay 50 percent of depreciations of their capital assets. This concerns in particular the packaging of milk and dairy products; however, packaging machinery and materials are in short supply. What is the Ministry of Agriculture and Food in the CSSR going to do for a radical change in this situation that would benefit the consumers as soon as possible?

[Algayer] In order to eliminate the difference in initial levels of depreciations of capital assets, Article 73 of the law on state enterprise gives the CSSR Government the power to redistribute the depreciations in state enterprises up to 1995. We are planning to redistribute the write-offs in our food industry according to the regulations which we submitted for consideration to the CSSR Government. That means that enterprises with below-average write-offs of their capital assets will pay part of their depreciations to central funds of the Ministries of Agriculture and Food of both republics, from which enterprises with above-average depreciations of capital assets will receive subsidies.

As for the packaging and containers for our dairy industry, their adequate supplies depend on the capacities of the branches that supply them. Due to the full work load of those capacities, our ministry cooperates with the State Planning Commission in dealing with these problems by releasing foreign currency for imports of new technological equipment. In 1988 it was, for instance, a unit for improved aluminum foil coating. In the same year a contract was signed to import equipment for the production of laminated containers for the Grafobal enterprise in Skalica. Since the new facilities began operation, the problem with the production of plastic containers was resolved; the Technoplast in Chropyne began to produce unsoftened foil in the new Durofol unit.

The production of milk with extended shelf life packaged in improved containers could not be launched without complete imported systems which will begin to manufacture the containers in our country in the second half of 1990. At the same time, the production of Czechoslovak filling and packaging machinery is under intensive discussion.

[Jiri Zaruba, Prague 6] Will the workers' creative potential be used to better advantage than before? In conjunction with the drafting of a new law on inventions and improvement projects, is the repeal or amendment of announcement of the Federal Ministry of Agriculture and Food, No 68/1974 of the Collection, under consideration? Will the ministry transfer original technical designs to related branches of production or, within the framework of international division of labor in agricultural technology, also to the CEMA member countries?

[Algayer] The restructuring of the economic mechanism calls for a novel approach to the concepts of our industrial laws which thus far have been subject to the law on discoveries, inventions, improvement proposals and industrial prototypes, No 84/1972 of the Collection. The principles of the new law are currently in the drafting stage. In that context, announcement of the Federal Ministry of Agriculture and Food, No 68/1972 of the Collection, which specifies the stipulation of law No 84/1972 of the Collection as concerns the agricultural and food area, will be amended or possibly repealed. The new law will define the issues of exploitation of original

new designs also in other branches of our national economy, and the fundamental problems of legal relations with foreign countries, including the CEMA member countries.

[Questions of JZD managers at the meeting of the presidium of joint enterprises were submitted in behalf of all participants by Eng F. Kadrnka, manager of the joint enterprise in Velke Nemce] What would happen to a joint enterprise whose achievements are excellent, which has considerable property at its disposal, and whose social merits are unquestionable, if member organizations of that corporation nevertheless terminate their partnership in it? Could it become a state enterprise, and if so, under what conditions?

[Algayer] Under the conditions stipulated by the law on state enterprise, such an enterprise not only may become a state enterprise, but, for example, also a production or other cooperative under the provisions of the law on consumer, housing and production cooperatives, or a joint enterprise with foreign partnership according to the law on joint enterprises with foreign partnership, or a joint stock company according to the law on joint stock companies. We want to mention these options in order to show that the economic character of the problem is of primary importance for the selection of the type of the enterprise's organization (including its internal system). The choice of the type of enterprise is contingent on its economic character, and not the other way around.

However, if a joint enterprise serves the interests of its member organizations and the member organizations are gaining financial or other benefits from the operations of that enterprise, I can see no reason why they should terminate their membership in such a joint enterprise. Thus, in this respect the law on agricultural cooperatives includes the principles that if one organization decides to terminate its membership in a joint enterprise, all member organizations must approve that decision.

[Box, p 4]

The press conference was organized by Zdenek Mann and Milan Pavlik, RUDE PRAVO; Eduard Vasung, PRAVDA; Gabriel Kadek, UJ SZO; Stanislav Ptacnik, ZEMEDELSE NOVINY, and Marta Pawlicova, ROLNICKÉ NOVINY.

In future issues we shall publish additional answers.

GERMAN DEMOCRATIC REPUBLIC

Essential European Cooperation Examined

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[Article by Prof Dr Gerhard Scharschmidt, head of a research department at the Institute for the Economy and Politics of Socialist Countries in the SED [Socialist Unity Party of Germany (GDR)] CC's [Central Committee's] Academy of Social Sciences: "Economic Cooperation in the Common European Home"]

[Text] In realistic conceptions proceeding from the need for peaceable conviviality with regard to our common home and its furnishings—however different they may be by those who entertain them and in their political motivation—and in the implementation process of such conceptions, questions of the economic and scientific-technical relations between the countries and interest groups occupy a weighty and indispensable spot. The more cooperation develops in the economic sphere, on which all public life is based, and the more intensive, effective, comprehensive, and specialized it is, the more stable will the foundations of the European home be.

Cooperation Has Become Indispensable

To live in one and the same house, as it were, side by side and to get along well and collaborate—that can no longer be left to the discretion of the European countries but, given, and in spite of, their membership in different social systems, political and economic groups, or military alliances, it has become a categorical imperative of reason and responsibility, a primary requirement for joint survival. At the Moscow meeting of parties and movements, Comrade Erich Honecker commented "that at the current state of arms technology security and peace can no longer be prepared for through the states' opposing each other, but can only still be agreed on with each other and ensured through political means based on peaceful coexistence. Which means the cooperation of the states, regardless of their social order, has become indispensable. The worldwide effects of the scientific-technical revolution and the need to create a new world economic order and find solutions for ecological and other global problems make such collaboration more pressing still."¹

This holds true for Europe to a special degree, as through our continent, after all, most sensitive segments of the dividing line between the two social orders and their mightiest military alliances are running and a gigantic military potential is concentrated here in the densest area. And Europe also is among those world regions where the economic and scientific-technical level of development more and more urgently calls for much more extensive an international collaboration—also between socialist and capitalist countries—than has thus far been the case. It shelters only a bit more than one-sixth of the world population, to be sure, and covers only one-fifth of our planet's territory, yet nearly half of the total national income of all states on the earth is produced and half of world trade is transacted here.

The increasing development of the international division of labor undeniably is an objective requirement for productive forces development which started growing more and more already in the last century, notably when capitalism made its transition into its monopolist stage, when the globe was divided up economically and territorially by the big imperialist powers. Since the triumph of the October Revolution and the formation of the socialist world system, the use of this tendency for shaping peaceful forms of international relations and for

the benefit of all parties concerned has been one of the hallmarks of the Leninist conception of peaceful coexistence between states with opposing social orders and of the socialist countries' struggle for enforcing it in international life. Under the conditions of the scientific-technical revolution, this requirement assumed qualitatively new dimensions and features in the second half of our own century.

In our age, international division of labor, extensive economic and scientific-technical cooperation, is more than an inevitability for economic developmental processes or a demand of economic utility. Rather, it has become an essential prerequisite for the life of mankind, for its secure future. This irrevocable connection finds its expression in the propositions from the Soviet Union and all Warsaw Pact states on setting up an all-inclusive system for international peace and security that ought to embrace the military and political as well as the economic and humanitarian sectors.

Many factors indicate that genuine, stable security for all peoples, for all mankind, is impossible today without fair and democratic worldwide economic collaboration, without a recovery in international economic life. That includes for one thing the revolutionizing processes in science, techniques, and technology and the risks resulting from them, e.g. in the use of nuclear energy, the increasingly dependency of all states on taking part in the worldwide exchange and division of labor in these areas. It pertains also to the increasing disparities, the growing economic gap between industrially developed and developing countries, to the heavy burdens on international economic relations, not only through crisis processes in the capitalist system, but mainly also through the practices of international corporations and imperialist government, not last due to their neocolonialism. All that comes down to a global problem of the survival of humanity that can be resolved only through the concerted efforts of all nations. "Both social systems need this cooperation because the intertwining of the world economy is proceeding, productive forces development bursts the national framework, and the global processes are intensifying.

Hence, the collaboration between the systems and states becomes prerequisite to developing the national economies and the world economy, to coping with the global problems of humanity step by step, to surmounting poverty and underdevelopment in the world and to cultural and information exchange, in brief, to the development of human civilization."² From this arises the need, compellingly, to fashion international economic relations so that the economic security of each country and of the international community is ensured as indispensable component and premise for international security altogether, i.e., fashioning and strengthening it as a condition for human survival.

This is essential precisely for the common home of Europe, the solidity of its foundations, its inhabitability, its domestic tranquility, and for the functioning of the

rule of the house. Mutual trust among the inhabitants—countries with opposing social and economic orders—greatly depends on the security in the economic situation of all, and the attractiveness and comfort of the house will be all the better, the less of a constraint there is on economic exchange, the cooperation of wings, the floors, the apartments in the house. Along with it it is also true that the danger of destructive strife between the neighbors and the conducting of quarrels with nonpacific means are all the smaller, the more closely and fruitfully the linkage of economic interests and cooperation develop.

Contest and Cooperation—Unity With Contradictions

Much as this process conforms with the interest of both the socialist and capitalist states and has to be intensified, it can yet not disguise the objectively existing and continuing conflicts of interest due to the contrasts in production and property relations, the economic and social impulses, the objectives and inevitabilities of the two systems. It would be illusory to ignore that in capitalism maximum profit remains objectively the basic motive and overriding goal of all economic considerations and activities, that this system is marked by penetrating economic and social crisis processes with their concomitant effects on the working people's situation, on human dignity and human rights, that at the same time processes of economic power mergers and of massive ruins of firms are taking place and economic instability is getting worse. Logically, not only the undeniable economic and scientific-technical potentials of capitalist countries, but also those system-conditioned factors, affect the development and possibilities of international economic relations.

If reasonable, i.e. fair relations between states or integration groups of diverse social systems presuppose economic and scientific-technical relations of benefit to all parties when such realities of capitalism are taken into account, it cannot be less self-evident when one proceeds from the reality of socialism. That is to say, as far as socialism in the GDR is concerned, our social and economic strategy, our clear orientation to the overriding task to do everything for the well-being of the people, our proven course of integrated economic and social policies, and our socialist planned economy are not up to grabs but, rather, form the stable foundation also for our approach to dynamically developing international economic cooperation. "Our socialist planned economy—firmly based on socialist property and the workers and farmers power under the leadership by our Marxist-Leninist party with its alliance partners—ensures the people's prosperity, full employment, and social security for all. It makes sure that our socialist social order gets along without the scourge of unemployment and the Damocles sword of subsistence anxiety and of economic ruin."³ Those are the kind of impulses we do not need in socialism and do not want to develop. We do not place any bets on the "import" of such antihuman methods of

capitalist profiteering; we favor man's conscious creativity, his energetic cooperation, his prudent partnership in planning and his responsible participation in government. And our country's successful development confirms this decision of principle that we made for today and for our future course.

Cooperation in our joint European home cannot require the effacing of these contrasts of principle, let alone a design to undermine or subvert the other system or alter it through pressure from without. Unsuitable are pieces of "advice" to evict some tenants of this house or force a particular lifestyle on them, as offered, e.g., by the former U.S. Secretary of State Kissinger, who would like to "exclude" the Soviet Union from Europe and stipulate that our continent should still extend only "from the Soviet/Polish border to the Atlantic." Within such a geographic range he is pleading for "an integration of Western Europe as the centerpiece for a new design for Europe," strongly granting "the East European states the right to become associate members of the European Community," i.e., to return to the ranks of capitalist "two-third societies." It is revealing that the Springer paper WELT AM SONNTAG (4 December 1988) entitled the piece propagating the American concept of Europe: "How a European Home Should Have to Look in the Interest of the West."

The Europeans need their joint home not on behalf of one party or another, but for their joint survival and secure future. For that they need no sympathy, no special liking for the given other social system, but realistic insights into the necessary and the feasible and a good will for honest collaboration. And especially because objectively this conflict between the systems will continue, the contest must be carried out in peaceful forms only. "Contest and cooperation between the social systems are not mutually exclusive; they must make for unity with one another, even if frequently contradictory."⁴

As far as the United States and the European house are concerned—to go back to Kissinger—the concept of this joint house can also of course in the economic field never only be applied to within. Not only must Europe develop economic and scientific-technical cooperation with the countries on the other four continents, it also must make an effective contribution to coping with the global problems humanity faces. That implies from the outset a close and deepening, equitable, cooperation with the United States.

The Status and Perspectives of All-European Economic Relations

For many reasons economic relations in Europe primarily developed within either the socialist or the capitalist groups of states. Their deepening principally proceeds within the given integration groups, and yet, economic and scientific-technical cooperation is growing stronger also across the systems' boundaries. Thus far that took

place mainly bilaterally, but also multilaterally. Along with the socialist states there also are influential economic and political West European circles that have been much involved in it. Simultaneously, representatives of the confrontation course put up no mean obstacles against such collaboration. Non-European forces were highly instrumental in that, notably from the United States.

The advance made in developing European economic relations is respectable and forms a solid foundation for the future. The import-export trade between East and West Europe increased more than 6.5 times of what it was between 1970 and 1980. Because of a number of negative factors—like trade restricting and discriminating measures, especially from the, mainly, U.S. managed COCOM [Coordinating Committee on Export Controls] authority, the heavy cyclical economic crisis in the early 1980's, the price drop for petroleum and petroleum products, the considerable fluctuations of the dollar, and supplies offered from the socialist states that did not always conform to market demands—the 1980's saw a stagnation and a decline in trade. Not until 1987 did the socialist European states succeed in greatly raising exports over the previous year again. According to the UN Economic Commission for Europe (ECE), that increase, based on the dollar rate and at current prices, came to 11 percent, to 12 percent in the first half of 1988. The socialist states' imports from Western Europe exceeded the 1980 volume already in 1986; it has gone up further since.

In the import/export between the two systems, the European countries traditionally take the leading position. That underscores the special interest of the socialist and capitalist European countries in these relations as well as the importance of economic cooperation for peaceably living together on this continent.

Proportion of Trade of European Socialist Countries With Industrial Capitalist Countries

(in percent)

	1970	1980	1987
West Europe	87.88	86.78	88.39
USA	4.08	5.49	4.57
Japan	6.64	5.73	5.96

(Computed from the ECE Economic Bulletin for Europe, October 1988)

The economic relations between socialist states and capitalist industrial countries, along with the trade, also embrace various forms of industrial cooperation. Roughly 84 percent of the industrial cooperation contracts the socialist countries signed with capitalist industrial countries went to Western Europe in 1988. Most pertained to the chemical industry, then came machine

building including machine tools, the light industry, transportation equipment and electronics. Those five sectors got circa 70 percent of the contracts signed in 1988.

A significant step for the further development of relations on a multilateral basis was taken in June 1988 with the signing of the "Joint Announcement on Establishing Official Relations Between CEMA and the EEC." It significantly broadens the basis for cooperation in Europe. The readiness expressed in it by both integration groups for far-reaching cooperation creates new opportunities to pick up projects in the overall European interest. Through this announcement a significant step forward was taken even though CEMA and the EEC pursue different goals and differ in their structures and competencies. Those differences can be no reason for preventing mutually advantageous collaboration. Both CEMA and the EEC are going to gather experiences on how this collaboration can be made most effective and how that in turn stimulates and enriches bilateral relations. Then also, this collaboration must be fashioned in such a way that it will also promote relations with European countries that belong neither to CEMA nor to the EEC.

Already the Helsinki Final Act had established decisive premises for the development of bilateral and multilateral economic relations in Europe. Principles, areas and forms of economic and scientific-technical relations agreed on at that time play a role today in practical affairs, even if by no means all opportunities are as yet exhausted. On a multilateral level the EEC has done a great deal to promote collaboration on the continent and put the Helsinki Final Act into effect. Especially in the fields of trade, science and technology, environmental protection, transportation, and in the prognostic activity relative to economic development many practical measures were carried out. Of great importance for further advances will be to give life to the principles worked out for the final document of the CSCE follow-up meeting in Vienna. In it, one reads: "The participating states affirm their intent to expand their cooperation in the fields of the economy, science and technology, and environmental protection and promote stable and balanced international economic relations in the interest of all states. To make better use of their economic potential and encourage the expansion of trade, the participating states will undertake further efforts in promoting favorable trade conditions and industrial cooperation."⁵

The expansion of economic cooperation in Europe entails a large number of highly specific contributions. GDR-FRG relations are included in the overall picture. "On the basis of the set of European treaties, the steps in relations to be taken must serve the interests of peace, detente, and mutual beneficial cooperation," Comrade Erich Honecker said during his official visit in the FRG.⁶ That event brought out most clearly that the relationship between the two German states must be a stabilizing factor of constructive East-West relations. From there,

precisely, positive impulses for the dialogue in Europe can evolve, this all the more since the GDR and the FRG, in view of the lessons of history and their geopolitical situation in the heart of the continent, bear special responsibility for a peaceful togetherness in the European home.

Barriers Injure the Common Interest

Experiences thus far show that economic relations between countries of the two systems in Europe have become a firm component of the world economic relations. This store of experiences has to be used purposefully to protect what has been achieved and keep Europe from being hurt by imperialist practices of technological embargo and maintaining discriminating trade obstacles to exports from socialist states. We must take account of the sensitivity of economic relations to factors of political influence, and vice versa, especially because interference has to be expected for the future yet, as long as the representatives of a confrontation policy have not definitively abandoned their manner of thwarting normal economic relations. Therefore all steps are of special importance that are pitting against this concept by the most aggressive imperialist circles, above all in the United States, an alternative of cooperation aimed at strengthening mutual trust and at an absolute reliability on both side while mutual dependencies grow.

Growing interdependence calls for approaching the international economic relations while taking the interests of all into account. Collaboration between the partners of both systems, if it is to be effective and dynamic, must include the fields of the key technologies today. As coping with the scientific-technical progress and its use on behalf of the progress of mankind increasingly call for international cooperation, the embargo policy disturbs not only the relations between the two systems but, as experience has shown, the relations within the capitalist system itself as well. Directly hurt are economic interests of capitalist corporations and states—as shown, e.g., by the GDR's breaking through the imperialist embargo measures in microelectronics. Important additional markets remain closed to them, higher capacity utilization becomes tougher, and the chances for and procurement of jobs are greatly diminished. "When we talk of far-reaching scientific-technical cooperation, we in no way feel like supplicants who have nothing to give in return. Unfortunately it is precisely in that direction that we are running into most of the artificial barriers. They are making the excuse that it involves 'sensitive technologies' of some strategic importance. 'Sensitive technology' first and foremost refers to electronics. There is, however, practically no field of industrial manufacture today that fails to employ electronics."⁷

Meanwhile there are more articulate voices, especially in Western Europe, against these artificial barriers to cooperation, especially from COCOM. For instance, the head of an interfactional delegation of the European Parliament, Hans-Joachim Seeler, called the restraints of the

technology transfer by COCOM nonsense when he visited the GDR. Furthermore, many examples prove that technological cooperation is no one-way street and that in Western Europe, the United States, and Japan research results of socialist countries also are taken over to find new ways in leading fields of science and technology. What it is all about, after all, is to conform to the law of time economy also in R&D by using the advantages of the international division of labor and to derive advantages on both sides through using the available yet diverse potentials in both systems. That applies also to developing the relations in Europe. High respect deserves especially in this context the intention documented in the final document of the CSCE follow-up meeting in Vienna, shared by all participating states, "further to reduce or step by step eliminate trade restraints of all kinds, whereby to contribute to the expansion and diversification of their trade relations."⁸

The socialist countries of Europe have always favored such a constructive approach. In the communique of the Berlin meeting of its Political Advisory Commission in 1987, the Warsaw Pact states announced their readiness "to seek ways for further developing mutually beneficial economic and scientific-technical cooperation with all countries. They advocate eliminating trade and economic restraints and deepening the economic relations among the CSCE member states, which would be beneficial for strengthening detente, security and peace in Europe."⁹ As the fraternal states affirmed at their Warsaw conference in July 1988, they let themselves be guided "by the idea of jointly erecting an indivisible Europe of peace and cooperation, a 'common European home,' pervaded by an atmosphere of good neighborliness and trust. That aim also is served by establishing official relations between CEMA and the EEC."¹⁰ The GDR is making an important contribution to it as a European industrial state having great potentials and experiences in many future-oriented fields and being extremely interested in the advance of economic and scientific-technical cooperation in a secure and peaceful Europe. Together with the USSR and the other fraternal states, it assumes "that in the current responsible phase of East-West relations special attention is warranted for a constructive dialogue and for agreements that will serve peace and the development of cooperation of advantage to all."¹¹

Footnotes

1. Erich Honecker, "Rede auf dem Treffen von Parteien und Bewegungen anlaesslich des 70. Jahrestages der Grossen Sozialistischen Oktoberrevolution, Moskau, 4. November 1987" [Speech at the 4 November 1987 Moscow Meeting of Parties and Movements on the Occasion of the 70th Anniversary of the Great Socialist October Revolution], Dietz Verlag, East Berlin, 1987, pp 18-19.
2. The Ideological Dispute and Joint Security, Joint Document from the SED CC's Social Sciences Academy and the SPD Basic Value Commission, "NEUES DEUTSCHLAND, 28 August 1987, p 3.
3. Guenter Mittag, "Our Planned Economy Has One Goal Only: the People's Well-Being," NEUES DEUTSCHLAND, 28 August 1987, p 3.
4. The Ideological Dispute, op.cit.
5. NEUES DEUTSCHLAND, 21/22 January 1989, p 5.
6. Erich Honecker, "Never Again Must War Emanate From German Soil," "Ein Erfolg der Politik der Vernunft und des Realismus" [A Success of the Policy of Reason and Realism], Dietz Verlag, East Berlin, 1987, p 10.
7. Mikhail Gorbachev, "Perestroyka and New Thinking for Our Country and for the Whole World," Dietz Verlag, East Berlin, 1987, p 263.
8. NEUES DEUTSCHLAND, 21/22 January 1989, p 5.
9. "Communique . . .," EINHEIT, No 7, 1987, pp 583-584.
10. "Conference of the Political Advisory Commission of the Warsaw Pact States, Warsaw, 15/16 July 1988," Dietz Verlag, East Berlin, 1988, p 12.
11. Comrade Erich Honecker, "Mit dem Blick auf den X II. Parteitag die Aufgaben der Gegenwart loesen. Aus dem Bericht des Politbueros an die 7. Tagung des ZK der SED" [Coping With Current Tasks While Looking Ahead to the 12th Party Congress—From the Politburo Report to the 7th Session of the SED Central Committee] Dietz Verlag, East Berlin, 1988, p 9.

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